HISTORY AND DEVELOPMENTS

IN

THE POULTRY INDUSTRY

1902 - 1935

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SEQUENTIALLY CONNECTED
AND COMMENTED UPON
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U. S. DEPT. OF AGRICULTURE
WASHINGTON, D. C.

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CHAPTER ONE

FACTORS IN THE LIVE POULTRY INDUSTRY

SEQUENTIALLY CONNECTED AND COMMENTED UPON

by Sandor Kaufman, Ph. D.

The unique nature and the various factors in the live-poultry industry in New York City, with a specific and definite appeal to a population of millions of Kashruth (Dietary Law) observers, gave the masters of the industry a feeling of permanence and economic security. As a consequence, poweral live poultry combines were incorporated extending practically to all corners of the United States. As soon as the trade reached a higher altitude of prosperity, the industry seemed to have lost sight of truer moral and economic values, resulting in severe criticism by both the public and private agencies. The daily press, mindful of its obligations to the public, being aware of the fact that relations between consumer and the industry are not the most cordial, undertook to inform the public from time to time on current events in the industry that might lead to a better understanding between the contending parties. Criticism emanating from the public and from private agencies for illegal and unethical practices in connection with the conduct of the industry had in many instances been the result of these existing conditions. Cognizant of the many disorders in which the industry is directly or indirectly involved, the New York Live Poultry Merchants Association and the office of the attorney general jointly requested the Bureau of Agricultural Economics to aid in the situation and to make a careful study of the economics of the entire industry. The study began in the fall of 1926. The results of the above mentioned study are reported in Bulletin No. 107 - May, 1929, published by the United States Department of Agriculture, Washington, D. C.

In spite of the joint efforts of the United States Department of Agriculture and the New York Live Poultry Commission Merchants Association, relations between the industry and consumer are still far from being cordial. Excesses and illegal practices are still on the day's order. There are still reasons for disturbances, distrusts and resentments which challenge one's patience toward an institution claimed to be corrupt and pregnant with unethical and illegal practices of the gravest kind.

To what extent the live poultry industry was concerned regarding the disrepute it has fallen into one must read an article entitled "The Live Poultry Trade" appearing in the New York Produce Review of October 4, 1916, Vol. 42, No. 24, page 969. This article reads in substance:

"There are few branches of the Food Trade of New York City which have received more notoriety through the medium of the news and the trade press than the local live poultry industry. There are a few branches of the trade receiving equal publicity which have been as consistently criticised and as scantily praised. We have all read much of the evils and vices of the business and these have been so loudly and

repeatedly proclaimed that even the live poultry trade has all but lost faith in itself.

"That the live poultry industry is not perfect, that it has its full share of shortcoming, and vices, no one acquainted with the trade will deny. Imperfection is not peculiar to the live poultry business; many other trades, with fewer inherent difficulties to overcome, have not progressed as far. The trade in our opinion is suffering as much from a lack of sympathy and understanding as anything else that's misunderstood.

"Judged on the record of its growth and development, the live poultry business of New York City is a mighty healthy invalid. From an obscure and insignificant beginning, it has grown to large proportions, the wholesale value of the stock handled running in 1915 (so to say an infant year) close to twenty million (20,000,000) dollars. It has become the largest and most important market of its kind in the country, if not in the world, and the remarkable feature of its history is that its expansion has been the most rapid during the short period, when certain of its methods and practices have been the most bitterly assailed.

"The life of the live poultry industry in New York City dates back probably over a century. It may be traced back to the time when the city drew its entire supply of food from a relatively restricted radius. However, it is within the past half century or over that the present extensive business in Western and Southern poultry has developed. During the early days the business was conducted in the old West Washington Market now devoted entirely to retail trade. The boundaries were from Vesey to Fulton Sts. West Street, and the Hudson River. Much of the supply of live poultry, other than that from nearby points, came to the market by boat from Norfolk. The first straight car of Western Live Poultry to reach New York arrived as far as we can learn in the early sixties, though for some years previous, mixed cars of western eggs, dressed and live poultry had been received here. The business gradually developed and during the early eighties, the market was receiving regularly five to ten cars of Western and Southern poultry a week, the receipts at times running up to twenty cars. These cars were much smaller than the carlots of today, their average weight was probably not over 8000 lbs. Poultry came in all sizes and styles of coops, although gradually the heaviest shipping section began to adopt a uniform coop. It became the custom to ship Western Poultry in flat cars. The coops were piled up to the height of an ordinary freight car, braced on sides to prevent shifting, the upper tier being covered with canvas. Such cars brought from 120 to 140 coops.

"Then, as now, the Jewish Trade was an important outlet for live poultry, but there was another important avenue which has since disappeared. In the days before the development of the "Refrigerator" car and before much dressed poultry was shipped ice packed, New York City was forced to depend, during the summer months, upon the moderate quantity of nearby poultry and upon that shipped alive from the west and South. There were at that time a number of firms, not connected with Jewish concerns, which maintained slaughter-houses in Jersey City and Brooklyn. These concerns bought up the surplus live poultry each day,

killed and dressed it and brought it back to Manhattan for sale to the regular dressed poultry trade. With the advent of modern refrigeration (the Refrigerator Car) and ice packed poultry, shipments of dressed poultry from distant points was possible the year round, and so these non-kosher poultry firms gradually lost their trade, their business dying out completely in or about 1910."

Due to the rapid increase of the Jewish population in New York City, demand for live poultry (kosher killed) mounted to increased proportions.

Why was the increase in Jewish population responsible for the growth of the live poultry trade? Because of certain religious ordinances and laws regulating the killing, sales, preparation and consumption of poultry meat; in other words, because of the Dietary Law.

Of course, while to the kosher eating public the observance of Kashruth was of fundamental importance, the trade quite often obstructed these ordinances, under one or another pretence. In time the abuses of "Dietary Ordinances" amounted to alarming proportions. As a consequence, the Jewish Community decided to organize into local communal and national groups, in order to force the "Live Poultry Industry" to eliminate abuses of "Kashruth Ordinances" and to attend strictly to their observance. A struggle thereafter ensued between consumer and the "Kosher" poultry trade.

In the following lines we shall give a brief history of the struggle of the Jews of New York for "Kashruth" observance and its enforcement.

What is Kashruth? What is the Dietary Law, which is in our case a most important factor? Why such emphasis on Kashruth enforcement?

In Ancient Israel, there existed customs pertaining to food, its preparation and consumption. Only vegetables were permitted without restrictions, whereas for certain fruit, such as grapes, laws defined when and how their use was permitted. Similarly grain was subjected to rules such as sacrificing on the altar the first ripe sheaves and giving to the priests a certain quantity before the rest might be used. Laws prohibited even the planting together of grain and fruit. However, most restrictions were laid upon the use of meat. In the first place, only a limited number of kinds of animals, fowl and fish was permitted. In Leviticus XI, rules are given by which the permitted, the clean (Kosher) ones, were to be recognized, and the names are listed of the unclean kinds which should not be tasted, the milk and eggs of which should not be eaten, and the dead bodies of which should not be touched. But even the use of the permitted kinds was manifoldly restricted.

In Ancient Israel, if one wanted to eat meat, he had to bring the animal or the bird, usually a pigeon, as a sacrifice to the altar.

The priest slaughtered it, dashed the blood against the altar, and burned parts of the fat upon the altar. Certain parts of the sacrificed animal belonged to the priest. At a later time it became permissible to slaughter animals without sacrificing (Deut. 12:21); but the eating of the blood was emphatically prohibited, "for the blood is the life" (Deut. 12:23). This regulation was enforced by the sages to such an extent that even a drop of blood found in the yolk, makes the egg forbidden food, because it is accounted evidence that the process of hatching has already begun. The customs of ritual slaughtering, of refraining from the eating of blood, of certain fat, and of the unclean kinds of living creatures, have been retained.

The method of prescribed slaughtering (in Hebrew, Shechita) is the cutting through of the wind pipe and the gullet in mammals, or either of these in birds, with a specially prepared knife (in Hebrew, Chalaf). This knife must be sharp and smooth, and shall not cause unnecessary pain to the animal. There are three sizes: a small one for fowl, a larger one for small cattle, and the largest size for big animals. For such killing, an expert slaughterer (Shochet) is required who, having studied the code of laws pertaining to ritual slaughtering, has been examined, and provided with a certificate (Kabbalah) by a Rabbi, and has practiced under the guidance of an experienced Shochet. Before slaughtering, the Shochet has to examine the smoothness of the edge of the knife with the nail of his forefinger, then he must examine the fowl or animal to make sure that there is not a defective limb, or some other deficiency which, according to the Law, would make it unfit to eat. Then he has to pronounce a certain Hebrew benediction. It is an old custom that the blood of a fowl be covered with ashes. After the slaughtering is performed, the knife has to be examined to ascertain whether a notch was made in it during the process of cutting. In such a case the object slaughtered is declared unfit (Trafah).* This is also the case if at least the greater part of the two before-mentioned organs in mammals or of one in fowl, are not cut through. In addition, in mammals, the lungs have to be examined by the Shochet to determine whether they are affected with tuberculosis or with some other disease recorded in the code. In case of slight touches of tuberculosis in the lungs, the soundness of the liver determines the ritual cleanness (Kashruth) of the animal. Every stomach must be examined. In prescribing these tests, the sages declared that "a diseased animal cannot live", that is, that the disease must finally overcome the animal's vitality, and that for the sake of the health of the person, meat of such an animal must not be eaten.

The prohibition of blood was extended even to the blood that comes forth from the meat. Therefore, the Jew was commanded to keep meat in water for half an hour and then in salt for an hour, so that the blood be extracted. There was further required the extraction of certain veins of blood and vessels of fat running through the body of the animal. (This procedure is called "treibern" in Yiddish, "Nikkur" in Hebrew.) Fish and locusts - the latter eaten in the Orient - are not subjected to ritual slaughtering.

Interdiction was pronounced on the eating of milk, butter, cheese, or any other dairy dish, with meat or with any food prepared with meat.

*See Dr. Posner's Essay

In their stern strict manner the rabbis ordered special sets of dishes for meat and for dairy food. The Bible prohibition reads only: "Thou shalt not seethe a kid in its mother's milk." (Ex. 23:19; 34:26; Deut. 14:21). Judging from the severity that the law acquired and the strictness of its observance during so many centuries, we may presume that this custom of separating meat from milk dates back originally to a very early time. Honey was adjudged a permitted food since it is merely the juice of the flower gathered by the bee and then secreted; and contains no portion of the bee which, as an insect, is prohibited.

The idea underlying all these restrictions is given in (Levitious 11:44) "Sanctify yourselves therefore, and be ye holy; for I am holy: neither shall ye defile yourselves with any manner of swarming thing that moveth upon the earth." (and Deut. 14:3) admonishes: "Thou shalt not eat any abominable thing." Some sages regard the dietary laws as restrictions that grew out of old taboos. Some think that ritual slaughtering was ordered to prevent cruelty, because in olden times Israel's neighbors used to cut off limbs of living animals and eat them (Deut. 12:23). Again others maintain the idea that all dietary laws, those pertaining to slaughtering as well as the rules about clean and unclean animals, grew out of hygienic precautions. They are convinced that people who eat unclean animals incur diseases and further bring a bad effect upon their spirit. Many modern scientists, too, are convinced that the method of ritual slaughtering is the best and least painful of all methods. Indeed, the dietary laws exerted a great influence upon the Jewish people through the dark centuries - living as they did, amidst people of a much lower cultural level, people with no hygienic principles and no boards of health. These laws saved the Jews from many diseases transmitted through the unhealthy meat of infected animals. They also exerted a strong psychological influence, in that the Jew believed that the conscientious observance of the dietary laws helped to keep him clean in body and in spirit.

CHAPTER TWO

A BRIEF HISTORY OF THE STRUGGLE OF JEWS OF NEW YORK FOR THE ENFORCEMENT OF KASHRUTH

The first semblance of organized Jewish Kehila (Community) life may be traced to the year 1810. According to Valentine's Manual, in spite of the gradual increase in New York's population from 1696 to 1810, the increase in Jewish population did not keep proportionate pace, but remained almost stationary.

The "dietary Law" which occupies a very prominent position in the life of Jewish ritualism, was in these early unorganized days of Jewry attended to by private individuals lacking the rights which usually emanate in such cases from communal and Rabbinic authority. The first Jews to attend to the preparation and sales of "Kosher" meat (ritually prepared) were the Dutch Jews Asher Levy and Moses Lucena,

who were sworn in in 1660, as Shochtim (Ritual Slaughterers), and were reSworn again by the English who became the cities new masters. *

In the year 1663, we find in the minutes of the Mayor's Court, May 1, "Upon the petition of Simon and David Valentina Vander Willem, they are admitted and vowed to exercise the trade and occupation of butchers within this city and its precincts." Joseph Isaacks in 1698 and Valantice Campand upon their admission as free men were likewise allowed to exercise the trade.

Kosher (ritually prepared) meat shipped out of town is first mentioned in 1730, when Abraham Rodrigues de Rivera shipped "one barrel with Jeuk Sausages and two Firkins of fat; also one Firkin of Cauker (sic) Kosher fat and six barrels of "Pickled Jew Beef," to Abraham Pia of Curacao.

In the year of 1812 we find in the city of New York the first semblance of an organized Jewish Community. Of course, the Jewish population was but a handful, all told, three hundred and fifty in number; of this number, fifty had no religious affiliation.

In order to supply the Jewish Communal Constituency with meat ritually prepared, a larger enterprise was needed to be in a position to undertake this particular trade. No Jew being in a position to undertake it on a larger scale, the trustees of the Jewish Organization found it expedient and necessary to enter into a contract with non-Jews, whereby the latter agreed to permit a duly ordained and designated Shochet (Ritual Operator) to kill for them, to inspect and to seal the parts of meat adjudged as kosher for Jewish consumption. Kosher meat was of course separated from non-kosher and sold at mutually agreed hours and days of the week convenient to both consumer and tradesmen. Supervision and inspection was intrusted in a Moshgjagh or Shomer (Inspector or Watchman).

On February 9, 1812, we find another instance reported of efforts having been made on the part of the New York "Kahila" in the interest of killing, preparing, and selling of Kosher meat and poultry for public consumption.

On the above mentioned date, a bargain was reported as having been made for one year with four butchers in the Fly Market for the killing of beef and with three other butchers for the killing of poultry, etc. Since the sale and distribution of kosher meat proved to be a profitable venture, the butchers obligated themselves to pay the congregation for the privilege of supplying the Jewish Community with Kosher meat and poultry.

The following typical rules, according to the minutes of February 14, 1733, were required to be observed by the "Shochet":

1. We shall supply the market with a sufficiency of large and small meat for the Congregation.

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* See: Records of New Amsterdam - New York, 1891 - Pg. 258-81.

2. Seals shall be plainly visible and placed on different parts of both the hind and fore quarters.

3. He shall remove the seals from the meat whenever he thinks it becomes "terefah."

4. The Crants fat shall be sealed when requested, by the butcher or congregator.

The butchers having been selected (supposedly) for their character and honesty, reliance was largely placed upon their honesty and faithfulness for the proper carrying out of their agreement relative to the sale of the Kosher meat.

There were several instances after 1790 when this trust was apparently abused. The congregation, according to the minutes, went several days without meat in 1771, because of charges against the "Shochet" and his resignation temporarily thereupon. This caused in later agreements, noted in 1805, the requirement of a three months' notice of intended resignation.

The minutes for July, 1790 contain the item that: "one Passenger, a butcher, had imposed "terefah" beef for Kosher in his sale to a Yehuda (Jew), whereupon it was resolved that the "Shochet" receive instructions to omit killing in the future for said Passenger without the particular permission of the Board."

Again in the minutes of January 25, 1813, reference is made to "certain persons who are not employed by the trustees of the congregation", who killed and sealed meat exposed for sale in the public market by butchers with no authority from the society for so doing. This refers to other qualified (shochtim) slaughterers in the community, who had authority under the Jewish law to kill. Through the latter, other butchers than those contracted to kill by the Congregation could thus offer meat and poultry for sale, using their own seal. The effect would be to compete in the sale of this class of meat with the butchers employed by the Congregation, and thus bring about a reduction in the revenue.

On February 1, 1813, the Congregation requested the City Board of Aldermen to pass an ordinance enabling the official Community to control the entire Kosher meat market for religious reasons. The ordinance was passed on Feb. 1, 1813 and reads in part:

"Be it ordained by the Mayor, Alderman and Commonwealth of this city that no butcher or other person shall hereafter expose for sale any meat sealed as Jews' meat, who shall not be engaged for that purpose by the trustees of the Congregation of Shareth Israel and unless the meat has been sealed by a person employed by the slaughterer, under penalty of $25.00 fine."

2. Seals shall be plainly visible and placed on different parts of both the hind and fore quarters.

3. He shall remove the seals from the meat whenever he thinks it becomes "Tarefa."

4. The meats that shall be sealed when requested, by the butcher or slaughterer.

The butchers having been selected (apparently) for their character and honesty, reliance was largely placed upon their honesty and faithfulness for the proper carrying out of their agreement relative to the sale of the kosher meat.

There were several incidents after 1785 when this trust was apparently abused. The Congregation, according to the minutes, took several steps without avail in 1771, because of charges against the "Shochet" and his subsequent [illegible]. This seemed to [illegible] later agreements, until in 1786, the requirement of a three months' notice of intended resignation.

The minutes for July, 1790 contain the item that: "The Parnas, a [illegible], had imposed "Kashrut" [illegible] for [illegible] [illegible] to a [illegible] [illegible], [illegible] it was resolved that the "Shochet" receive [illegible] to [illegible] [illegible] in his [illegible] for said [illegible] without the particular permission of the Board."

Again in the minutes of January 24, 1813, reference is made to "certain persons who are not employed by the trustees of the congregation, who killed and sealed meat exposed for sale in the public market by butchers with no authority from the Society for so doing. This refers to other qualified (Shochetim) slaughterers in the community, who had authority under the Parnas to kill. Through the latter, other butchers than those authorized to kill by the Congregation could thus offer meat and poultry for sale, using their own seal. The effort would be to compete in the sale of this kind of meat with the butchers employed by the Congregation, and thus bring about a reduction in the revenue.

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"Be it ordained by the Mayor, Aldermen and Commonalty of this city that no butcher or other persons shall hereafter expose for sale any meat sealed as Jews' meat, who shall not be engaged for that purpose by the Trustees of the Congregation of Shearith Israel and unless the meat has been sealed by a person employed by the Congregation, under penalty of [illegible] fine."

This ordinance if not later repealed would have given the trustees of the congregation the exclusive control of the supply of Kosher meat in the City of New York.

A Mr. Abrams, who was formerly employed and dismissed as a "Shochet" by the Congregation, instituted a movement to ask for the repeal of the aldermanic ordinance on the grounds that it "encroached and restricted their religious rites." The Congregation of course deemed such opposition irreligious and tending to destroy the respectability of the Congreation.*

During the period of the tinsel era, beginning with the year 1902 (somewhat uncertain) and the years between 1924 to 1929 (prosperous), the primitive virtues, which hardships and disaster so deeply impressed upon the consuming public, ceased to be of consequence. Why waste time paying attention to religious ordinances, Dietary Laws or enactment for the enforcement and protection of sales and distribution of Kosher live poultry and other Kosher products, when racketeering politicians in the services of the "Dishonest" in the industry can have every offence against the public adjudged "Within the Law." The tolerance, with which these abuses were received on the part of the public, seemed to the representative bodies of the Jewish Community as being due to the weakening of moral values, and, of course, it is upon their background of a yielding sense of right and wrong that we find silhouetted the shadowy outlines of the poultry racketeers and others of their kind. For it is a background which if closely examined would disclose a people, too many of whom easily excuse the racketeer who does not bother them, the grafter who does not offend by being dull, and the gangsters in their service secretly admired - debonair and daring.

The poultry racketeer (Kosher or other), being at liberty to take advantage of a complacent religious public, has been building a kingdom of his own, protected and shielded by the only law he knows - "Terror and Force". Raking a butcher shop with gunfire to make sure of submission to the poultry baron is a product of a mind of the Middle Ages. Most strikes, assault on police and vice-versa intimidation of butchers, assault with intention to kill exploited and pauperized butchers who are in sympathy with the public, demonstrate the complacent attitude that we have reached in one of the most degraded stages of civilization of all recorded history. Raking with gunfire a shop filled with women and little children strikes terror to a mother's heart. Great profits seem to be coming to the poultry racketeer. The stupendous amount of money which their profits represent also represents power. This power and money, however, represent corruption through the need of protection. Of course, great powers of control of individuals are placed in the hands of our guardians of law and order, and great responsibilities rest upon them. Of course, they are told while in training that they must have but one allegiance, and that is to the Government they serve. They are told that if they failed in that allegiance, if ever only in one instance no matter how harmless it might seem at the time, their usefulness as officers of the law would be impaired beyond mending.

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*Bibliography - Special Pub. No. 6, Jewish Hist. Soc.

Men, at the head of duly organized Kashruth organizations, concluded that the racketeer has a definite objective, his racket must be safe. He knows that with his money he can bribe his following and these votes count.

Here is where the Law is endangered and interfered with. Here is where the unscrupulous and dishonest politician enters the picture. A definite alliance between racketeer, politician and guardian of the law often follows.

Years following the Aldermanic Ordinance of February 1, 1913 (regulating the sales of Kosher meat), nothing of greater magnitude has taken place in the industry aside from the gradual growth of excesses committed against public and retailer, as will be seen from reports and news items hereafter enumerated in chronological order.

Chronology
Boycott

To what extent the "Kashruth" observing and the other hundreds of thousands of "Live Poultry" consumers were exploited by the poultry barons (which have by this time grown to gigantic proportion), one may gather from the decision of 1,600 dealers of the East Side of New York, who on May 12, 1902* declared a boycott against the wholesale "Kosher" combines at a meeting held at New Irving Hall. At this meeting, a plan of action was formulated forcing the wholesale Kosher slaughterers to lower the exorbitant prices of meat. By the action of these butchers in declaring a boycott against the exploiting wholesalers, they earned the sympathy of the suffering consumers, willing to put up with the inconveniences caused by a meatless diet until prices for "Kosher" meat would be reduced.

Due to the boycott of "Kosher Meat" (Beef), prices of live poultry mounted beyond all reasonable means.

As usual, a compromise was reached between the wholesale butchers and the retail dealers. Insignificant concessions were made by the wholesalers and the boycott was called off on May 14, 1902.** The boycott ended to the detriment of the public. That the retail butchers called a concession was of benefit to the retailer only inasmuch as the combine agreed not to sell terefah meat to the Kosher butchers, thus increasing the sales of Kosher meat. The public, so sympathetic with the boycott idea, was sold out to the wholesaler for a petty concession.

Food and
Meat Riots

In spite of the retail butchers' surrender, public unrest continued, and soon took on dangerous proportions. The women, whose hostility to the butchers mounted to heights of fury, attacked the open butcher stores and its customers. It was estimated that the number of women

*New York Times - May 12, 1902 - page 8, col. 5
**New York Times - May 14, 1902 - page 8, col. 2

boycotters in the streets amounted to 3,000 and over. Patrol wagons were rushed and many arrests were made.*

In an editorial in the New York Times dated May 17, 1902, we read a fitting account of this deplorable condition. "There is probably no use in urging the readers of the combine to reflect on the enormous amount of needless suffering they inflict, and there is not much more use in calling their attention to their business folly. But it is at least worth pointing out to the public that heartless greed is not inherent in industrial combinations and that it is as foolish as it is heartless when it does occur."**

Blown Chickens
(Racket)

"There are tricks in all trades", and nowhere is this saying more popular than in the poultry industry. Nothing seems to be unethical, in this business, that tends to increase profits. Conscience does not exist. In the Poultry Review of June the 22nd, 1904, vol. 17, an account is given on the "Blown Poultry Racket" which the Board of Health of New York City made repeated efforts to destroy.

On the East Side of New York City, it has been customary for those dealing in slaughtered poultry to improve its appearance by "blowing" it. This is accomplished by inserting a tube in the chicken's veins near the neck and blowing air into the bird, which swells and plumps it. By this process, the bird's appearance is much improved. A cord is tied around the neck of the fowl to prevent the air from escaping; the chicken's improved appearance immediately commands a higher price. In spite of the health inspectors, the trick of "Blowing" is still going on.

Massachusetts Bill ordering the removal of entrails and crop from dead poultry before sale

Sales of dead poultry from which heads and entrails have not been removed resulted in a poultry bill proposed in Massachusetts to prohibit storage of undrawn poultry because of unsanitary conditions prevalent in shops where undrawn fowl is sold. In the Produce Review of February 22, 1908, vol. 19 page 675, we note a short document on the above-mentioned bill.

Another absurd poultry bill proposition in Massachusetts to prohibit storage of drawn poultry had been reported. It is proposed to prohibit the sale of dead chickens from which the head and entrails have not been removed except from June 1 to October 1, exception applying to iced poultry. The bill would also prohibit holding in storage of any undrawn poultry. The truth is that undrawn poultry is sold per pound for the same price as dressed poultry; in other words, the public was made in most instances to pay for the head and entrails which are cast away.

*New York Times - May 17, 1902 Page 8 Col. 2
**New York Times - May 1902

New York Bill confining sales limit of dressed poultry to six days after killing

The same publication reports on February 22nd, 1905 that a meeting was held regarding the proposal of a new bill in the Assembly to restrict the sales of dressed poultry to within six days from the time of the killing unless such poultry has been properly dressed by removing its crop and entrails.

While all sorts of bills were being introduced before legislative bodies pertaining to the regulation of activities in the live poultry industry, many honest efforts were being made by the industry to curb unethical, illegal and other practices of which some in the trade were responsible. The increase in the weekly sales mounted from 20 cars of live poultry in 1905 to a turnover of 35 cars in 1906. As a consequence, business increased to a greater volume and with it came an additional mass of evils. Such are apparently inevitable, when competition becomes keen, severe, and unrestrained. In the fight for business, the practice of cutting commissions became general and of course in many cases it was difficult for some to make ends meet.

Receivers refuse honest information on market conditions to Market Reporters

We agree that under strained circumstances, periodical abuses in business will always take place; what there is objectionable in the case is that the causes given by the industry for the lawless practices are fictitious. The fact is that principal receivers of live poultry in the West Washington Market refused to give out information as to market conditions, price-making, etc., to independent market reporters, including representatives of the "Producers Price Current", whose publication has for many years been used as one of the principal mediums for communicating quotations from commission receivers to shippers. That the receivers were in accord with the shady practices of the trade is evident from the report on the subject dating March 21, 1906, Vol. 21, No. 21, Page 9081, which reads: "The Reporter for the Producers Price Current could have continued to receive market information from their leading receivers providing publishers would have agreed to print quotations exactly as dictated even though the figures were incorrect. This proposition the publishers of the Produce Price Current have naturally declined to accede to, and they are now put to the necessity of obtaining information as to the market conditions and prices ruling in roundabout ways throughout outside sources.

The Combination-Principal Jobbing Houses

Super Combines - Due to powerful combinations on price fixing, the efforts of jobbers, who grew influential and wealthy, to bring about

absolute control of the market finally succeeded. The benefits of such concentration to the wholesale commission merchants of selling to the jobbers instead of breaking up of carlots are evident. Each member of the retail trade was approached and one by one the commission trade fell in with the plan of selling all their goods to the jobbers. The new combine came to be known as the "Combination".

Having gained control of practically all of the large lots of "Live Poultry" coming to the market, the Combination began to dictate prices and to restrict sales as they saw fit, eliminating retail dealers, etc., under pretences of affecting the general welfare of the trade. From time to time arrangements of the distributing machinery of the market has been interfered with and threatened with disruption by competition on different lines, chiefly by retailers or independent jobbers who have endeavored to supply their wants by attracting direct shipments from the West. At times this competition has reached proportions that have seriously unsettled the "established order" and led to rate cutting, upset market conditions, profitless business for some and general dissatisfaction. Some of these competitors have been finally absorbed by the Combination, but some of the more recent antagonists have for the past few months been offering an active competition which is seriously felt by both the jobbing combination and the receivers who sell to that Combination.

During the years since the combination has had a virtual control of the principal receipts, the price of live poultry from first hands has been fixed weekly by negotiations between the jobbers and the leading receivers. They have met together on Mondays, sized up the prospective supply for the week, and agreed upon the prices at which jobbers would take the week's receipts subject, however, to unforeseen changes in market conditions, but these variations have usually been slight.

These prices have, under the circumstances, had the weight and effect of "official" prices in wholesale market; they have been the basis of returns for consignments and have consequently been regularly published in the Producers Price Current as representing the local wholesale market. The Producers Price Current is still publishing these prices, to the best of its ability, although the leading West Washington Market receivers have lately refused to give the information to its representatives.

The reason for this refusal of information to the publishers of the Producers Price Current is as follows:

The latest, most important competition with the combination and with the receivers selling to it is that of a house which designs to cut out the jobbers' profit in the handling of live poultry by drawing direct shipments from country collectors, and selling the goods directly to retailers. It is evident that by the success of this venture this house could return more for the poultry than the receivers selling to the Combination, and the house has, in fact, offered to return for consignments ½¢ a pound more than the prices at which those receivers sell to

the Combination. Now, although the Combination has secured control of most of the retail outlets, it has not secured control of all, and up to this time, this independent house has been able to dispose of the poultry consigned to it at about the same prices as charged by the jobbers in the Combination. But its return to shippers, being based upon the prices paid by the Combination, depend upon a knowledge of these prices and it is evidently for the purpose of keeping this house in the dark that the other receivers have refused to give market reporters the usual information but demanded that the publishers print quotations as dictated by them regardless of their accuracy.

The publishers of Market Report and Producers Price Current, declined, as before stated, to do this, and the independent poultry house referred to has, up to this time, been able to obtain information as to the West Washington Market prices from several different sources. The Producers Price Current said, "We, ourselves, have been able to obtain information as to these prices, despite the refusal of the leading receivers to give them directly to us, and except for a short time at the beginning of the present fight, we believe we have printed them correctly in the Producers Price Current."

Another market report, however, having apparently agreed to publish quotations as dictated by the receivers who sell to the Combination, regardless of their accuracy, has printed quotations often different from the actual selling prices. This market report, on some of its issues is entitled, "The New York Daily Market Report" but on the copies issued to commission merchants no title appears. This market report stated on March 13, 1906 that "market settled late at 13¢ on fowls" and that the price was quoted continuously in its table of quotations until March 16, 1906. The quotation for fowls in the Producers Price Current throughout all of this period was 13½¢. Recently a produce market newspaper published here printed a review of the live poultry trade for the week, written by the publisher of the market report above mentioned in which it was stated that on March 12, "receivers held out firmly for 13½¢ on fowls" and "settled the market at the advance asked." This shows clearly that the false quotation given in the market report referred to was not the result of deception nor of ignorance of the real facts on the part of the publisher. It is apparent that the method of poultry handling brings the producer and consumer closer together, and , if supported by a proper organization of the distributing trade will, in the long run, prevail owing to the evident economic advantages. But it may be that the methods of handling live poultry inaugurated by the "Combination" and which have gradually grown up in West Washington Market have been decidedly beneficial to the Western and Southern shipping interests as well as to the interests of the Combination; they have prevented the extreme fluctuations in wholesale values formerly experienced and have given shippers a steadier market upon which their operations could be conducted with greater safety and surer profits; and it appears to us that even though a more direct marketing of the goods might, if obtained through a proper organization, result in a slightly higher average return to the country, it would be of no advantage to

the country collectors whose paying prices are necessarily based upon their returns from one wholesale market. Owing to the peculiar conditions prevailing in the live poultry trade, arising from the character of the Jewish trade which furnishes the chief outlet, the perishable character of the product and the wide fluctuations of value in the absence of an effective control of surplus, a combination of selling interests is more essential than in many other commodities.

Such combination of selling interests is to the advantage of the trade at large and should not be disrupted without a very careful study of the effects upon market conditions. It is also possible that competition in this business must be met by some other and more effective weapon than deception and false quotations--that it must depend finally upon organizing the distributing system on an economic basis.

Such system of handling live poultry at New York cannot survive. The poultry can be distributed in this city either by the commission merchant, speculator, or jobber, but not with these three parties each making a full charge for service. The business must inevitably invite competition on a more economical basis. The question arises as to who shall survive. At the present there are over thirty well equipped jobbing houses in the Hebrew sections of Greater New York and it looks as though these jobbers will be able to work direct with the shipper, thus eliminating both the commission merchant and the speculator, and by this method there will come into existence a much stronger combination of selling interests than ever before.

There is no reason why the commission merchant does not endeavor to do business direct with these jobbers.

One of the many unsolved problems contributing towards price raising (justified or unjustified) is "Unloading Poultry". Of course it is hard for the layman or the observer from without to ascertain what is and what is not justified in the sight of the barons of the poultry commission merchants, classing themselves as The Live Poultry Commission Merchants Association.

Quite often seemingly sound causes that would tend to raise prices of live poultry are due to questionable and underhanded methods.

Live Poultry Transportation Co.
March 4, 1908

One of the "Trades" of the industry often quoted by the commission merchants as being responsible for price raising, is the Live Poultry Transportation Company as we shall see from the news story in the New York Produce Review of March 4, 1908 vol. 25 - no. 18 - page 299 entitled "Charge For Unloading of Poultry," and reads:

The New York Live Poultry Commission Merchants' Protective Association has issued the following circular letter to shippers of live poultry:

New York, Feb. 28, 1906. The New York Live Poultry Commission Merchants Protective Association begs to notify carload shippers of live poultry that beginning Monday, March 5, and thereafter, the regular charge for unloading cars of live poultry transportation company will be $12 per car. This is an advance of $1 over present price of $11, which has been the standard charge for the last four months, and since the settlement of the live poultry handlers strike which occurred at that time. The Eastern Live Poultry Handlers Association who unload most of these cars, never receded from their original position, which was a demand for $12 per car. The New York Live Poultry Commission Merchants Protective Association has finally and definitely agreed to the terms asked which therefore become the standard charge. Members of the association believe that in agreeing to the advanced rate and thus permanently deciding such a vexing question which has existed for a long time they will be able to secure a better service and therefore promote the interest of all shippers who are now using the care of the Live Poultry Transportation Company.

Respectfully submitted

New York Live Poultry Commission Merchants Protective Association

G. S. Hawk & Son Co.
Bance Bros. Co.
James E. Morris & Son & Co.
C. Westerbug & Co.
Geo. C. Brown
G. Bishop
Jewell Bros.
C. Collins Co."

Humane Aspect

To speak of humane principles and of abuses to "Express Companies" - "Commission Merchants" - "Dealer" and "Shippers" was a thing unimaginable, because there were some phases connected with shipping of live poultry which, if eliminated, would have meant less profit to shippers and dealers alike.

Not until April 1906, according to the information we have from the Produce Review and The American Creamery, Vol. 26, do we meet with an organized effort to make live poultry shipping more humane. In the above-mentioned publication we read the following account "To Confiscate Live Poultry." Poultry Review.

The humane officers and the food inspectors of Pueblo, Colorado, have convened to better the conditions in the live poultry trade and have issued the following notice: "Express Companies, Commission Merchants, Poultry Shippers and Peddlers."

Gentlemen: The undersigned desire to call your attention to the abuses now going on relative to the shipment of live poultry, and with a view of correcting this and compelling poultry shippers of this and adjoining states to cease said abuses, hereby notify you that within fifteen days after date they will take action under the state laws and confiscate all poultry discovered within the state not properly cooped."

Finishing Chicken

There are many ways, discovered by the clever poultry tradesman, tending toward profit making, unknown to the outsider--one of them is "Chicken Finishing Process" which plays a most conspicuous part in the preparation of the "high class chicken" for the market. Here follows what the New York Produce Review of May 20, 1908, Vol. 26, page 149, Col. 1, has to say on the subject "Finishing Chickens."

"What is known as the finishing process plays the most conspicuous part in preparing the high-class chicken for the market. This has become an enormous industry in the United States. The farmers seemed not to realize the necessity for such a process and the result has been that this work has been taken almost entirely out of his hands. The common barnyard, with its unsanitary conditions, could not but impart a flavor that is not reliable and it is doubtful if chickens thus fed are wholesome. Chicago firms have extensive stations in Missouri and Iowa. Chickens by the thousands are gathered at the feeding stations from farmers. They are made to abandon their promiscuous barnyard diet and wild roaming. They are placed in darkened cages or "batteries" as they are termed while they are restricted from excessive exercise by the close confinement, and subjected to a scientific diet of cornmeal, oat-meal and equal parts buttermilk and small amount beef fat, for a period of two weeks. In this time the chickens each put on more flesh, and the whole color and composition of the meat undergoes a transformation. The flesh grows lighter and the diet imparts an exceptional juiciness and succulent flavor. It serves best in imparting a tender, mealy texture to the flesh, in whitening it, and the flavor it produces has made these chickens in demand the world over."

Because of an unusual increase in demand for live poultry (Kosher killed) for many reasons such as increase in Jewish immigration, increase in Israelitish observance or because of the agitation by the United Synagogue and by the American Orthodox Jewish Congregation campaigning for religious and dietary observance, we find the following report in the New York Poultry Review.

New Mark in Live Poultry Consumption

Vol. 26 - No. 2 - May 27, 1908 entitled "Live Poultry Consumption"

"The consumption of live poultry in this city has increased to such an extent during the past few years that estimates by the live poultry trade have placed the weekly consumption of late at about 30 carloads. An unusually heavy falling off in the demand has been apparent during the past few weeks and the trade has been at sea as to the cause of it. The outlet has narrowed 15 to 20 cars a week within a very short time, close estimates for the past two weeks or more indicating that not over 30 cars weekly were being consumed. One jobber who has studied conditions closely told a Review representative that in his opinion the light demand was caused by the fact that so many factories and manufacturing establishments were at a standstill in the city where Hebrews were employed that living expenses were necessarily lessened and demand for poultry was thereby affected."

To cope with this situation we find a new live poultry combine was contemplated (see New York Produce Review, Vol. 26 - No. 20 - Sept. 9, 1908)

"As per recent information another live poultry combine is being organized in the best Washington market by live poultry receivers who have heretofore handled mainly express shipments. These express receivers expect to be able to secure a slaughterhouse of their own where no difficulty will be experienced in having their poultry slaughtered, either by themselves or by those buying poultry from them.

The scheme has not developed sufficiently to announce any details yet. The firms expect to be able, when organization is completed and the slaughter house secured, to be in a position to handle carlots of live poultry to advantage and are looking forward to breaking up or weakening the present combination of carlot receivers which has been in existence for some years and which, the express receivers say, has heretofore been able to keep outside firms out of business."

Drawn Poultry

Because of unsanitary conditions prevalent at many poultry shops due to ill odor caused by stagnant blood dripping from undrawn chicken, we note in the Producers Review of February 10, 1909. Vol. 27 - page 674, col. 2 that the Utah legislature is considering a bill prohibiting the sale or possession of any poultry from which the entrails have not been removed immediately after slaughter. The food commissioner of South Dakota has issued a ruling based upon the state pure food law that all poultry, fish and game must be drawn immediately after slaughter and declaring that the sale at retail of any poultry, fish or game not so drawn is in violation of the pure food law. The ruling does not apply, however, to packers or shippers of such products as are sold outside of the state.

It is peculiar that while in some states the sale of undrawn poultry is objectionable, in Illinois we find just the contrary. The New York Produce Review, Vol. 27 - page 974, col. 2, March 31, 1909, reports that a committee of Chicago poultry men, headed by L. T. Whitcomb went to Springfield last week to appear before a committee of the Illinois legislature in opposition to the Drawn Poultry Bill now before the body. President Howes has forwarded literature to be used in arguments against this measure.

Cold Storage

Because of objections to cold storage poultry on the part of the "Live Poultry Combine" Wm. G. Hissel, City Bacteriologist of Buffalo was asked to submit to the City Health Commissioner his report on cold storage, and all conditions associated with it, an investigation which he has been conducting for two years. During this time the expert made exhaustive tests on all kinds of stored food, particularly meats and poultry. He declares that poultry may be left in cold storage for a year and no harm will result, provided the poultry was in good condition when stored and was properly prepared. He emphasizes what every cold storage man knows, but what the cranks appear to be ignorant of, and that is that deterioration in stored products takes place either before they are put in cold storage, or after they are taken out, when the thawing out process is taking place. While in storage they are perfectly preserved. Cold storage properly conducted is not dangerous, this expert decides.

Drawn Poultry

On the question of "Drawn Poultry", opinions vary. On May 8, 1909 - the Review reports that "the City Health Department of Nashville, Tennessee has completed a test to determine whether poultry drawn and packed in ice would last longer than poultry undrawn and carried under the same condition.

A half dozen drawn chickens and an equal number of chickens not drawn were placed on ice for some days and then taken from the ice for examination. The result of the experiment showed that the poultry packed undrawn kept better, being in a good condition, while the drawn poultry had deteriorated materially. The old custom is therefore upheld. Of course the objections to the drawn poultry rest upon the general prejudice to allowing the entrails of animals to remain in the carcass. If a little thought is given to the subject, however, it is seen that human prejudice is very inconsistent in such matters. We draw beef, and mutton carcasses, to be sure, but fish and game are stored undrawn, and as for oysters and lobsters we not only store them undrawn, but we eat them so. The facts about the undrawn poultry proposition are as follows:

The intestines of the fowl at death contain numerous species of bacteria, whereas the flesh is quite free from germs. If the

carcass is not drawn, but immediately frozen hard, the bacteria remains inactive and no essential change occurs. If the carcass is stored without freezing, or remains for even a short time at a high temperature, the bacteria will begin to grow through the intestinal walls and contaminate the flesh. Now, if the fowl be drawn, the unprotected flesh is exposed to bacterial contamination, which results in decomposition more rapidly than through the intestinal walls. The opening of the carcass also allows a greater drying out and shrinkage. If the poultry carcass were split wide open as with beef or mutton, drawing might prove as satisfactory as the present method, but since ordinary laborers will break the intestines and spill their contents over the flesh, and otherwise mutilate the fowl, all those who have had actual experience in this matter agree that drawing poultry is unpractical and undesirable. The chief service that the Government can render the poultry industry is one of education of both producer and consumer. The latter especially should learn to know a young from an old or a sick from a healthy fowl. In order to facilitate the consumer's ability to do this the head, feet and entrails should not be removed."

It would be wrong to believe that nothing has been done to make an end to some of the rampant gangsters and unethical practices of the industry. On June 15, 1910, Vol. 30 - page 316, in the New York Produce Review we find that "a bill has been introduced in the State Assembly placing commission merchants under the supervision of the Department of Agriculture. This, of course, included commission merchants handling farm products and live poultry."

With regards to the indictments pending against poultry men for conspiracy and violation of anti-trust laws, we find that the same procedure has been used for their postponement. (June 15, 1910 Vol. 30 - page 316 New York Produce) "Poultry trials postponed." "Trial of 50 poultry men recently indicted for conspiracy and violation of the anti-trust laws came up in General Sessions this week. Defendants' council moved that the trial be postponed, because Samuel Werner, head of the so-called trust, was ill with typhoid fever. Werner was the principal witness for the defense. Adjournment was granted until the following September or October." It is peculiar that Mr. Werner, the witness in question was still under medical treatment on the date of the September trial (September 14, 1910 Vol. 30 - page 778, New York Produce Review) "Poultry trial postponed again." "The 50-odd live poultry merchants indicted as of late June 1907 for having combined to illegally regulate the live poultry business in New York were to have their trial commence on the 1st Monday of September, having been postponed from June term owing to the illness of Samuel Werner, an important witness. He is still ill and unable to attend the trial. Case has been postponed."

In the hunt for profits, we find, as reported previously, that crowding and underfeeding of poultry reached a most inhumane stage. Economy in coops and chicken feed seemed to have caused the humane side of business to become secondary. This sort of thing was going

[illegible]

[illegible] allows a greater diving out [illegible] poultry growers were built wide open as with [illegible] drawing alone prove as satisfactory as the present [illegible] ordinary laborers will break the intestines and [illegible] over the flame, and otherwise vestigate the fowl, [illegible] actual experience in this matter argue that [illegible]

It would be wrong to believe that nothing has been done to [illegible] and to some of the prominent manufacturers and technical practicians of the industry. On June 19, 1911, Vol. 36 - page 816, in the [illegible] conference novelty we find a [illegible] will have been introduced in the [illegible] poultry growing companies undertake the supervision of [illegible] department of [illegible] ture. This, of course, includes [illegible] manufacturing from products and live poultry.

With regards to the instructive poultry business [illegible] and violation of anti-trust laws, we find that the [illegible] has been been [illegible] trial, [illegible] 1911, [illegible] poultry been recently indicted for conspiracy and violation of the anti-trust laws came up in Chicago [illegible] this week. [illegible] counsel moved that the trial be [illegible], because several [illegible], one of the co-defendants, was ill [illegible] Denver. [illegible] was the principal witness for the defense. Adjournment was [illegible] It is doubtful [illegible] Mr. Tanner, the witness in question was still under medical treatment [illegible]

[illegible] poultry business [illegible] as of late June 1909 [illegible] to 1[illegible] reproduce the live poultry business [illegible] to have their trial [illegible] on the 1st Monday [illegible] Chicago, having been [illegible] to the Illinois [illegible] Manager, on a [illegible] witness. He is still ill and unable to attend the trial. [illegible]"

[illegible] in the life, we find, as reported previously, that [illegible] advertising of poultry received a [illegible] and officers feel assured to have caused the [illegible] to be a conspiracy. This sort of thing was going

on until it reached proportions almost criminal. In March 16, 1910 Vol. 29 - No. 22 New York Produce Review we notice that a bill regulating the above-mentioned condition was introduced in the Federal Congress.

"Federal bill designed to regulate coops and care of poultry in transit."

"The overcrowding of poultry in interstate shipments is prohibited in a bill introduced in the House recently by Representative Mann of Illinois. The measure prescribes that ample space shall be provided in crates in which poultry is shipped, in order that fowls may stand up at will, and further, that the poultry shall be watered and fed en route at least once in every twenty-four hours."

Competition for the control of the live poultry market, often resulted in disappointment and even failure to both contending parties (shippers and receivers). To cope with the situation on October 11, 1911 and April 1912 (New York Produce Review Vol. 33 - 1911) whole pages of advertisements called upon the live poultry shippers to act against the so-called independent receivers. One of these advertisements reads:

"Gentlemen: Have you had enough chaos, which always means poor account of sales to shippers and a heavy loss? Have you stopped to think what is causing you your heavy losses on your shipments of live poultry to New York when you should have a fair merchant's profit? Do you realize that under the present method of a free-for-all fight, that not only your shippers, but the receivers, jobbers and retail distributors in Greater New York are suffering a heavy loss? So-called independent receivers should be known as irresponsible, incapable, untrustworthy, rather than independent receivers. They are afraid of their own judgment, and so advertise, by word of mouth, and otherwise to sell your poultry for less than the old time, responsible, trustworthy association receivers would charge for it. On the other hand, they have in many instances offered a premium of 2¢ per pound above quotations, which they themselves in every way possible attempt to influence to the lowest possible point by advertising to sell by the single chicken at a ruinously low price throughout the districts of Greater New York where the great bulk of the live poultry is consumed. Think back one or two years ago when the business was handled in an honest, conscientious manner by business men capable of handling the business so that you shippers, the receivers, jobbers or distributors to the retail trade all made a fair merchants profit, when prices were adjusted in accordance with the receipts and the demand and so arranged that all interested in the business were protected against snipe concerns, bad failures and the general unpleasantness of business when it has no head, as the live poultry business at present is conducted. If you shippers are convinced that you have had enough of the present chaotic condition and prefer the old style, reliable manner in which your poultry was handled in the past when your business was handled where honest commission men were looking after your interests cut out these independent fakirs, weak sellers, market manipulators and ship to the old, clean-cut reliable

people with whom you did business for years and whose account of sales nearly always showed you a fair merchants profit on your business. I congratulate the Western shippers that are already giving those market wreckers a wide berth and even the few that are now deceived by the offer of a premium take a safe and sane view of it, the weak links in the selling chain will be relegated to the scrap heap where they belong, and shippers of live poultry will make the profit that they are honestly entitled to." The extent of pooling the profits, [illegible] Swift Packing Company did not get the full value of the poultry.

In the same publication we find that the struggle is far from settled between the contending combatants within the industry drunk with profits and domination. The New York Live Poultry Protective Association says that the independents are fakers, weak sellers and market manipulators, etc. We thereby note as follows: "That we as the leading independent receivers have broken up this combine and make an open market forcing them to sell the poultry for what it is worth; as you will note by these figures. These last two weeks there were unloaded and consumed in New York over 200 carloads by freight and express with prime poultry selling last week 1 1/2¢ for chickens and 1 1/2¢ for fowls; this week 12 and 13 cents, according to quality. If the New York Live Poultry Protective Association would have been in existence now and we would not have been in the field to show them up, we guarantee you shippers that our market would have been 10 to 12¢ top on fowls and chickens. These last two weeks with these heavy receipts, and they would have easily carried over 25 cars on track left for the following week, instead of shippers getting what it is worth and all the poultry used up on arrival. The public would have had to pay easily 16-18¢ a pound the way the market was manipulated before. See the last two weeks explains to you why the consumption is so large. Now the shippers are getting what the poultry is worth and what it brings, so we cannot see how the Combine receivers have the nerve to call us fakers, weak sellers and market manipulators and causing chaotic conditions in the business at present. As for calling us the above we quote as follows: "Have you noticed how much advertising the old gang live poultry crowd is doing nowadays? Look at the pink sheet the Packer, and the New York Produce Review, one or two or three years ago, and see if you see the names of these people. They were in business then, but they did not have time to advertise. It kept them busy with their pencils, figuring out how little they could give their shippers, and how much they could charge the consumers for the poultry. Incidentally, how much they could keep for themselves, laying aside a nice little nest-egg to pay their lawyers to keep them out of jail, if their system was discovered. But their lawyers went up against a good clean American jury. Now if you want to know anything about us, ask any shipper who ever shipped us, and you will find none who will say that he did not get a square deal. B. Raff Weiss, West Washington Market, N. Y."

Illegal methods of handling shipments by the "Live Poultry Combination" which met with apparently little opposition, finally met their Waterloo when the Unites States Packing Company sought to recover damages from the combine for illegal methods of handling their shipments.

Live Poultry Men Sued

"United States Packing Company seeking to recover damages from resulting alleged illegal method of handling their shipments. Papers were filed last Wednesday in the United States Circuit Court for this district, by the United States Packing Company in its suit against fourteen firms in this city, designated as the Live Poultry Combination. It is claimed that the receivers sold all consignments of poultry to an association of jobbers, in which the receivers or selling agents were interested to the extent of pooling the profits, and that the United States Packing Company did not get the full value of the poultry. H. A. Emerson, president of the Western concern, figures out an actual loss of $75,000, and it is claimed that under the provisions of the Federal law the company is entitled to $225,000 damages. Attorney William Grant Brown, who is prosecuting the case for the United States Packing Company, has a mass of testimony that was taken recently in the celebrated case against the live poultry receivers, and his contention is that the evidence given under oath in that trial establishes the alleged facts in his present complaint.

The firms against whom the suit has been brought deny the statement that the United States Packing Company did not receive every dollar that it was entitled to under the methods of handling the poultry; that the concern knew how the poultry was sold here and made no objection during two years or more; that it was shipping to this market."

Here is another indication of trouble with regard to freight rates and poultry. "Iowa shippers complain of unfair freight rates on eggs and poultry; readjustment demanded."

"A Des Moines dispatch to "Manchester Republican" says the Iowa Railroad commission has passed up to the Interstate Commerce Commission the complaint of nine different firms of dealers in eggs and poultry of unfair rates on these products. It is claimed that the rates charged to the markets are unfair as compared with the rates from other places and a readjustment of rates is demanded that will effect a saving in the future. The complaints also make claims for overcharges. In accordance with Iowa law the complaints will be prosecuted before the Interstate Commerce Commission by the Iowa Railroad Commission, the commerce counsel taking charge of the case."

Another article says: "The consumer pays a dollar for food. The farmer gets less than fifty cents for it. Who gets the rest? This is a careless and inaccurate statement which, in our humble opinion, should have no place in a document of this character. And the question asked is calculated to create an ignorant suspicion. Of course everybody ought to know that the difference between what the farmer receives and the consumer pays covers the cost of collection, preparation, transportation, grading, waste, selection, delivery, to the consumer, and profit to those who perform these necessary services. Is there anything mysterious about it? And if any of these elements of cost are unduly high why doesn't somebody perform the service for less? What, in heaven's name, is there in a business conducted by thousands and thousands of

individual tradesmen that permits any of them to exact charges upon that traffic that are exorbitant when competition is free and open. It is apparent that something definite to eradicate this evil will have to begin in the near future."

Regarding Erroneous Beliefs Relating to Cold Storage.

Quoting Secretary Wilson on Cold Storage (Aug. 16, 1911 - Produce Review)

"Some of the conclusions drawn from the investigators will be useful in disabusing the public mind of erroneous beliefs in regard to the cold storage industry. The fact is that the public cold storage warehousemen do not own the goods stored, but simply rent to owners the room needed for storage. An attempt is made to give the average cost of carrying various commodities in cold storage and the assertion is made that 'The wholesale prices of the commodities mentioned are increased by cold storage' to the extent of that cost. We think this statement is likely to be misleading. It is, of course, true that the cost price of food bought for storage is increased by the carrying charges. The annual price level has been raised by cold storage, for a reason apart from the costs, and that cold storage has raised the cost of living." He speaks of evidence leading to the suspicion that "speculation" sometimes exists in the carriage of produce in cold storage. Practically the whole business is speculative; how can it be otherwise? The whole incentive in carrying goods in cold storage or in dealing in them in any other way is profit.

Dealing in food is carried on by our citizens as a means of support for themselves and their dependents. They buy and sell with the avowed and respectable object of making profit. They buy for storage when they think the future price will be profitable to them and refrain when they think otherwise. They base their estimation of future conditions upon judgment and past experiences. Sometimes they are right and make money. Sometimes they are wrong and lose money. In the long run the business must be profitable or it could not continue; though some fail utterly as in all business.

In spite of political and other influences used by the "Live Poultry Trade" against convictions for illegal and other practices, we note that on August 16, 1911 the New York Produce Review in Vol. 32 No. 17, page 613 records a verdict of guilty.

Waiting for Verdict

"Conspiracy case against members of Live Poultry Trade in hands of jury"- After twelve weeks' trial.

The case against eighteen members of the New York live poultry trade, charged with conspiracy to control prices and preserve a monopoly

which has occupied the Court of General Sessions here before Judge Moselsky for about three months went to the jury at noon on Tuesday, August 15. Up to a late hour this afternoon no verdict has been rendered. The prosecution arose originally from a suit brought by a member of the Live Poultry Commission Men's Protective Association against [illegible], then a buyer of live poultry, in which the evidence was subsequently brought to the attention of the District Attorney's office and led to an investigation which resulted in the indictment of eighteen of the live poultry receivers and jobbers on charges of conspiracy, based upon alleged attempts of their association to fix and control prices for live poultry, and to create and maintain a monopoly of the business.

The case was handled in court by Assistant District Attorney Deford for the people; it has been defended by William F. Jerome (former District Attorney) as general counsel for the poultry interests and by Kinslow, Shelp, [illegible] Woodell, attorneys of record for the live poultry receivers, and Jacobs and [illegible]ay, attorneys for the jobbing interests involved in the case."

(Thirteen members of the wholesale live poultry trade were convicted.)

Opinion on Packing of Poultry (cold storage)

PACKING POULTRY for NEW YORK (Produce Review)

Address by Geo. F. Kindricks before Southern Poultry Shippers convention at Nashville.

"I have been requested to make an address on the packing of poultry for the New York market and to explain some of the advantages of having a uniform grade and style of packing for the New York market. Let me state first that we have reached a time in the affairs of man when [illegible] work and [illegible] handling of food and particularly poultry must be changed to improved methods. The old careless and indifferent way of handling and packing is a back number. You cannot afford to stick to the old way. The new way stands for progress and you shippers in the South here will, I am sure, work for that advancement and progress, which means development of the greatest poultry producing section in this country.

This development, an absolute necessity to you, means not only education but financial prosperity for your community and industry. Do you realize that it is important for us in New York to encourage you in your work and efforts. Do you realize that it is important for us in New York to encourage you in your work? Do you realize that the far West is growing, that California, Seattle, and the far West are today taking increasing and enormous quantities of food and poultry from the other side of the Mississippi, that only a few years ago all came East, and that the knowledge of this fact is going to compel us in New York to seek larger and better supplies each year from your people in the

South. You have heard much of the considerable legislation and agitation against cold storage in the past and I want to go on record here by making the statement that before the next ten years go by we will have legislation which will demand cold storage and prohibit it. If you want to get more money for your goods, I suggest you make uniform the standard of your packing and get actual value for your graded poultry."

Commissioner Porter's Hearing (Feb. 14, 1912 New York Produce Review)

Wholesaler & Retailer Give Their Views As To
Cold Storage Law and Sale of Cold Stored Goods

New York's Commissioner of Health, Dr. E. H. Porter, held a public hearing last Friday at the Hotel Astor, to receive suggestions from New York trades men as to the general subject of the cold storage laws. Francis A. Winslow, representing the Poultry and Game Trade Association, said that association was desirous of cooperating with the Department as wholesale receivers always sell cold storage products, as such he thought the present hearing chiefly concerned the retail distributors, but stated that there were features of the law that needed consideration.

A. Brown, dealer, said if the up-town retailers were compelled to brand poultry as 'Cold Storage' it would drive trade to the Jewish dealers in the city-killed stock. The purpose of this hearing was to get an expression of the real feeling in regard to the law and to obtain practical suggestions as to its enforcement. Many problems are involved and the question is a larger one than the conditions affecting our city or state. It concerns the people of the entire country. The law will doubtless remain in some form. He spoke of the prejudice in regard to cold storage, of the benefits of preservation and of the sins of the cold storage people themselves. He declared what was right when put in will be right when they come out. Wrong in, wrong out. In regard to education Dr. Porter said it is the purpose of the Department to instruct the people of the state in regard to the advantages of cold storage and that goods properly prepared, carried and handled are good and a public benefit. The Cold Storage Bill limits the holding in cold storage of any kind of food to a period of ten months, except butter products which may be held for twelve months.

Rating and Refrigeration (March 1912)

Another matter on rating and refrigeration was taken up at the Kansas City Convention.

Among these were the new Western classification freight rates which were to have gone into effect February 1, but which have been suspended by the Interstate Commerce Commission until July 1. This reads as follows:

"Less than a carload or any quantity ratings will not apply on freight requiring protection against heat or cold, and carried under refrigeration or line cars, heater or heated cars, or cars otherwise specially equipped for such protection, except under the conditions which the carriers tariff provides."

Concerning this letter Mr. Pribe says, "This rule in itself without any exception being issued by the individual railways or through their various rate associations, would have the effect of charging for the refrigeration in addition to the regular rate. At present, shippers deserving exclusive cars for their own use have the privilege of loading 10,000 pounds or more, either straight or mixed cars of dressed poultry, butter or eggs, but the railroads pay for the icing where less than a carload rate is used.

If this rule is enforced it simply means an additional charge of anywhere from $10 to $15 on each car of 10,000 pounds shipped from Iowa points to Chicago, which is unjust to say the least. The National Poultry Association is opposing it in every way possible."

<u>Opinion of Dr. Pennington at Kansas City Convention regarding ice packed poultry in car lots</u> (March 1912 Produce Review)

We have found in our study of ice packed poultry that there is an actual waste of food stuff and also a loss to the consumer due to this method of packing which does not prevail where poultry is so handled that it does not come in contact with water or ice. The reason for these losses is as follows: The nutritive value of the fowl depends almost entirely upon the quantity of lean meat. Lean meat consists chiefly of a mixture of chemical substances called proteins, some of which are soluble in water. If we grind up chicken flesh and soak it in pure water for one hour about 4 percent of it will dissolve. When we put a freshly killed chicken into water, the water will very quickly make its way through the skin and begin to dissolve these substances in the lean meat. When in solution they diffuse back through the skin and accumulate in the water. Of course what has dissolved is lost for food purposes. When the poultry is removed from the water and packed in ice there is a constant seltage and the drippings continue to dissolve more and more of the lean meat substance. This process goes on from the beginning to the end of marketing; instead of the quantity dissolved becoming less and less, it becomes greater and greater, since the natural processes of decomposition make the flesh more readily soluble. We have all known the flavor of a dry-packed chicken better than that of a wet-packed fellow. The water dissolves part of the meat because the substances which give the flavor to meat are soluble. That poultry should lose flavor by ice packing is bad enough; but when in addition to removing the fine flavor which the consumer desires, we make him pay chicken prices for water, we are adding insult to injury. Yet that is just what we are doing when we sell him ice-packed poultry, because for every ounce of lean meat substance dissolved 4.3 ounces of water are absorbed. If one looks at these figures from the viewpoint

of the single chicken they seem rather insignificant. But we are carlot shippers here and therefore, we will view them from the carload basis. The amount of lean meat in a chicken is about 35 percent of its entire weight. Therefore, in a carload of 20,000 we remove the animal heat and by the time they reach the consumer, they have absorbed on the 20,000 pound basis, 1320 pounds of water, which, at 20¢ per pound, is worth $264 to the one who sells. They have also lost $176 worth of food stuff, since the 7,000 pounds of lean meat have lost 306 pounds. Therefore, to the consumer the actual loss is the sum of both losses, or $440. Is this one of the reasons why ice packing persists among poultrymen? The loss of lean meat proteins in this fashion is just one of the many losses that our people are ignorantly passing by in their search for more food. It means a decrease in the national food supply, is not a loss to the producer or distributor because they sell by weight, and more weight as water has entered the carcass than has been lost as lean meat. There is a loss to the shipper or middleman in the handling of water-packed poultry, however, that is even greater than the loss to the consumer - namely, its lessened resistance to decay. Dry-packed poultry commonly brings higher prices on the market than poultry of the same quality wet-packed. In view of the foregoing facts the lower price is justified, also because of the quicker spoilage of wet-packed goods. Those of you who have followed the work of the Department in its study of poultry will remember that the number of bacteria in the flesh has been a means to determine the degree of deterioration that it has undergone. The more numerous the bacteria, the more change in the chicken and that is so confirmed by chemical analysis. There are more bacteria in the flesh of wet-packed chickens than those that are dry-packed at every step of the handling. Wet-packed had nearly 6 times as many bacteria as had the dry. When they reached the market they had 35 times as many. At the end of the marketing the dry-packed chickens had increased their bacteria content 2,830 times; the wet-packed, 9,350 times. The dry-packed was acceptable food; the wet packed was nearly always so decayed that it could not be eaten.

All these results were obtained on very well-handled goods. When an undesirable environment prevails the wet-packed suffers most and soonest.

For the information of the diligent observer we are quoting difference of opinion, showing the other side of the storage question, by Thomas A. Brennan.

Storage Trust boosts price to exhorbitant figure intending to unload before confiscation law becomes effective. He says, "The trust has been preparing for this for two years. The prices have been advanced absolutely without reason other than that the speculators who have been making immense fortunes out of cornering the market in food stuffs (including poultry) want to make a tremendous killing before the ten-month period elapses, when all the pounds of food stuffs they have stored will have to be thrown upon the market to get rid of it. Secretary Wilson in his report declared that the present exhorbitant

[illegible]

[illegible] Chicago. In a consumer of 10,000 we receive the [illegible] by the time they reach the consumer, they have absorbed [illegible] water, 1750 pounds of water, which, at 100 per [illegible] to the one who sells. They have also lost 1/4 [illegible], since the 7,000 pounds of loss must have [illegible] the consumer the actual loss is 1/3 as [illegible]. In this one of the reasons why fish [illegible]

[illegible] The loss of less more protein in this [illegible] of the many losses that our people are [illegible] for more food. It means a decrease in the [illegible], is not a loss to the producer or distributor [illegible] loss as large as a. There is a loss to the [illegible] the loss to the consumer - usually, the [illegible] prices on the market than quality of the so-called [illegible] view of the foregoing facts the Bureau is justified, also because of the quality of well-packed goods. Those of you who have followed the work of the Department in the study of poultry will [illegible] in the Bureau has been a means to [illegible] that it has undoubtedly. The more [illegible] is the [illegible] can work in so [illegible] analysis. There are more materials in the field of wet-packed [illegible] than there are dry-packed in every step of the handling. Wet-packed has nearly 6 times or more bacteria as had the [illegible] and of the corresponding dry-packed material. And increased bacteria [illegible] contents 6,000 times; the wet-packed, 6,000 times. The dry- [illegible] it could not be eaten.

In these results were obtained on very well-handled goods. When [illegible] conditions prevails the wet-packed material does not [illegible].

The two lectures of Mr. Lilgent observes so far quoting [illegible] difference of opinion, showing the color of the average question, by Mr. Brannan.

[illegible] that seems quite to substitute figure, interesting to [illegible] been producing for this for two years. The prices have been [illegible] substantially without reason other than that the speculators are [illegible] increase [illegible] of scarcity the market is found [illegible] (national a poultry) must go into a tremendous falling before the [illegible] period closes, when [illegible] of fresh stuff's they have [illegible] to be thrown upon the market to pay rid of it.

There is also reports indicates that the present extremely

prices for food were due to the storage warehouse people withholding stuff from the market in order to keep up prices. The speculation in foodstuffs has been one of the greatest bonanzas ever worked." (Vol. 45 page 42, New York Produce Review)

Concerning limitations of cold storage will say that while the bill designed to afford Federal regulation of the cold storage of food proposes a restriction of the permissible periods of holding much less drastic and damaging than the measure previously considered by that committee, its provisions, should they become effective, would be determined detrimental to the public interest just to the extent to which they would force upon the markets prior to the economic need any sound food held in reserve to meet the need. The question of public health should not be left to the imaginary safeguard of a limitation of the period of cold storage. The length of time which perishable food is so held is by no means the determining factor as affecting its wholesomeness. The conditions under which these foods are produced and cared for prior to storage are the chief factors here. As a matter of fact only a very small percentage of cold stored food of the more perishable kind is held more than ten months when there are no restrictions as to the period of permissible holding.

Investigation by the United States as reported, indicated the percentage for 1909 - 1912 as 96.9 percent for poultry. There are occasional seasons when a somewhat larger percentage of poultry, butter and eggs would, for economic reasons, be carried longer than ten months. We wish to make the point that whenever this is the case the economic interest of owner and consumer are identical in determining the time when the reserve goods are marketed. The owner of goods placed in storage depends absolutely upon a greater later public need of them. The carriage of surplus production in cold storage from seasons of flush to seasons of natural scarcity is of the utmost importance to the public. Why, then, upon any economic ground should there be a limitation of the period of permissible holdings since the public need will regulate the matter much more nearly in accordance with the interests of all concerned than is possible by any blind and arbitrary regulations.

Bill to Prevent Cruelty to Poultry

Due to objections raised on the part of the humane society, calling the system of shipping live poultry cruel and inhuman, we find a Live Poultry Bill introduced in Congress by Mr. Lan to prevent cruelty to poultry while in transit.

The Bill provides that no railroad or carrier shall keep poultry for a longer period than 24 hours without providing sufficient water and food to allay thirst and prevent suffering; that all coops or cages shall be constructed so as to allow sufficient air on at least three sides of the coop or cage to prevent suffering and such coops must be in clean and wholesome condition at all times. The use of low coops and the

crowding of the poultry is prohibited. The bill would compel the coops to be placed in the car or at other places only in such manner as would allow plenty of air to circulate, while the cars or vessels must be kept ventilated. The carrier must see that all dead or sick fowls are removed from each coop before accepting same for shipment, and after accepting, the poultry must be examined at least every four hours to remove any dead fowl and separate any sick fowls from the rest. In handling the poultry at the depot or otherwise it must be handled with due care and must not be injured or killed. Proper shelter must be provided for the poultry at all times. Penalty for violation of any of the provisions of the bill $100 to $200 fine. (Vol. 34 page 496)

Murder Because of Rivalry in the Poultry Trust

Two men who afterwards escaped in an automobile which had awaited the with motor running, shot and killed Barnard Baff, one of the largest poultry dealers in the city, in 18th Avenue near Thompson Avenue, Washington Market, just before six o'clock (Tuesday, November 24, 1914) last night. One bullet hit Baff in the chest and passed through his heart. A second entered his left shoulder. As he fell, his assailants fled to the motor car and escaped through Gansevoort Street.

Baff is said by other poultry dealers in the West Washington Market to have been the man whose testimony enabled Assistant District Attorney M. . . Seford to prosecute the so-called poultry trust and to send thirteen of its members to jail. Baff was known as an independent dealer, but only a few weeks ago the New York Poultry Dealer's Protective Association held a meeting at which Baff was criticised harshly. He was regarded as a sort of trust representative himself and it was charged that he controlled the retail poultry trade and was accustomed to fix the wholesale price and then undersell retail dealers who bought from him, especially at times of Jewish holidays, when unusual quantities of poultry were sold on the East side.

His main business was at 60, 62 & 64 Thompson Avenue, West Washington Market. He had a string of retail stores throughout the city. His shop at 120 East 109 was robbed last March. Rubinowitz, the cashier, slammed the safe door shut and neither she nor the store manager, Morris Newark, could open it after the combination had been turned. In September 1914 someone exploded a bomb in the doorway of this store. Small damage. Baff had received Black Hand letters and these continued after the explosion. (November 25, 1914, page 1 - col. 3.)

The Baff Murder

The murder of Barnard Baff, the poultry dealer, has shocked this community even more than the murder of Rosenthal, the gambler, a crime to which, in the police view, it bears a strong resemblance. While

Rosential was of the very scum of society, Baff, so far as is known, was an upright and law-abiding man who had conducted his business honorably and done no more than his duty in incurring the avowed enmity of some of his rivals in trade. If these rivals are not implicated in this cowardly assassination, except in the inevitable suspicions of Baff's acquaintances, they will do well to publish the proofs of their innocence as quickly as possible. This is not a case in which the excellent rule that every man should be considered innocent until he has been proved guilty is likely to have much weight in the public mind.

The indications that here is another murder, a killing in a public thoroughfare by hired assassins are very strong. The police have taken up the matter with energy and there is scarcely a doubt that they will soon run the actual murderers to earth. There are, after all, not so many thugs in this community that our guardians of the peace cannot count them all, with a little effort and the loyalty of thugs to thugs is always dubious. But it is very doubtful if Baff had ever done anything to incur the enmity of men of the gunmen type, while he had been threatened and assaulted since he gave evidence upon which some members of the so-called "Poultry Trust" were sent to jail. There is scarcely a doubt that he has been killed for an act of good citizenship. A thorough investigation of the crime will be demanded. The arrest and conviction of hired assassins will not be sufficient to allay the public indignation and alarm.

That all or nearly all of the members of the Poultry Men's Union are responsible for the instigation of this crime is incredible. Resort to murder because of trade enmities is very rare in this country. But a man has been killed in circumstances which throw suspicion upon a body of marketmen, and it will be to the advantage of that body to render all help to the authorities in bringing the guilty persons to justice.
(New York Times, Thursday, November 26, 1914, page 11 - col. 3)

Baff Names Men Who Killed Father

Harry Baff, son and business partner of Bernard Baff, who was shot and killed by two gunmen in West Washington Market, charged a group of retail poultry dealers with the murder of his father. He said that the actual shooting might have been done by hired gangsters or chicken thieves from the New Jersey freight yards, but he named a society of poultrymen against whom Bernard Baff waged a bitter business war, as the real instigators of the crime.

He made these charges right after he returned from his father's burial--grief, and anger intensified by the funeral ceremonies.

"The Trust didn't do it," he said, "and the chicken thieves would never have done it without someone behind them. I know who did it.

it was the crowd of retail buyers, and I know every one of them." Mr. Baff then named the group and told where they usually congregate.

"And my father isn't the only one they want to get. There are two more independent dealers who have fought them, A. T. Pearson and the Live Poultry Auction Company. They tried to get Pearson once, and they will try again.

"They are going after the auction company too. The murder of my father is only the beginning of a determined attack on those of us who have fought their crowd. They tried threats and bombs and assaults at first, and couldn't scare us off. Now they are trying murder. I expect to see someone else killed next by these same two men unless the police can get them first."

A. T. Pearson has a poultry market in the West Washington Market at 34 Thompson Avenue a few doors from the stand of H. Baff & Son. About six weeks ago he was assaulted by a gang of thugs in front of his place of business and badly beaten. These assailants in the opinion of Harry Baff were paid for the attack by the same group of dealers who conspired to bring about his partner's death. The Live Poultry Auction Company has main offices at 425 W. 14th Street, near the West Washington Market. It is incorporated with a capital of $1,500,000 and Mr. H. Bennett is its president. Neither Mr. Pearson nor Mr. Bennett could be found last night.

The charges made appeared to be supported by developments in the police investigation. It was learned that five men were under surveillance who were suspected of being conspirators in the murder plot. Police were also looking for one who was a go-between for the conspirators and the gunmen. It was said that this man could and probably would reveal the whole murder plot. His name and haunts are known to the police and they expect to arrest him in a short time.

Coroner Feinberg admitted an arrest was probable and that certain poultry dealers known to be enemies of Baff were under surveillance. He said that the police had developed two very important clues from a packet of threatening letters and other information given to assistant District Attorney Lenel by Harry Baff. The police believe that when the case is cleared up two more will be arrested as among the "men higher up" which will make seven defendants whom the state will try to show were the authors of the murder conspiracy.

One, Martin Moolihan, a freight handler, of 195 Ninth Street, Jersey City, told H. Baff voluntarily that he had overheard several men talking who seemed to have first-hand information about the murder. He said they talked as if all of the inside workings of the machinery connecting the murder with the conspiracy were familiar to them and they said that the gunmen had been hired by poultry dealers who wanted Baff killed.

None of Mr. Baff's business battles in the poultry world have been bitterer or harder fought than that between him and a group of retail dealers with whom, although a jobber or wholesaler, he entered into competition. By his shrewd methods, strong financial backing, thorough knowledge of his business, and bulldog determination he fought the retailers, and while most of them were losing money and many were actually failing in the maelstrom of competition he accumulated big profits and grew more and more successful.

M. Baff does not think that the thirteen men who were convicted and jailed before the last court had anything to do with his father's death because they could not gain anything from Baff's death but the retailers wanted him removed from the field of competition. (New York Times - November 27, 1914 - page 5 - col. 2)

100 Clues in Baff Murder Case

Baff, who had fought poultry trust, had enemies on every hand. Thieves' gang suspected. Many threats traced. Market men silent.

Prime cause of enmity was the attitude of unrelenting independence assumed by Baff toward all who had business with him.

What particular group of men conspired Baff's death is unknown. Many facts point to a gang of poultry thieves operating in freight yards of Erie and Lackawanna Railroad in New Jersey. Much poultry is stolen, and independent dealers, "fighting" the so-called trust chief sufferers. Reports are that trust magnates employ gangsters to destroy and steal poultry and property of independent dealers.

Baff, probably the largest independent dealer, fought these men determinedly, even going to Jersey City several times to prosecute them.

Baff made enemies among the union laborers. Kept an "open shop." A great part of animus of poultry union's strike was directed against him.

Police are searching for evidence that the thieves have been backed and encouraged by a clique anxious to control the poultry industry in the city.

Baff's differences with the Poultry Trust began in 1911 when he gave information to the District Attorney's office resulting in the conviction of thirteen men for fostering a monopoly. Though he was not a witness he had been a member of the "trust" organization and was able to give inside information regarding the methods of the poultry men.

William Grant Brown, Baff's lawyer, among many others, accepted the theory that the killing was a business murder, aimed to remove a rival.

Many of the retail dealers are organized in New York Live Poultry Dealer's Association and at meetings of this body aired grievances against Baff and discussed means by which he might be fought.

The complaint generally was that Baff as a wholesaler forced the prices of poultry up for the retailers and then entered the retail field to undersell his own customers in the trade. He had many markets. One of his methods was to get an ample supply of poultry and then to bid up prices.

It was agreed that Baff was as big as the trust. Police were hampered by the silence of witnesses or persons questioned by them and those questioned could not give definite information. (New York Times, November 25, 1914 - page 6, col. 1)

Son Accuses Twenty-Five of Murder Plot

Every development in the investigation of the crime points to the fact that S. Baff was murdered at the instigation of a clique of retail poultry buyers. All the evidence points to a group of "Kosher Killers" retail buyers, as the men who plotted Baff's death and paid gunmen to shoot him.

Harry Baff gave Inspector Faurat a list of twenty-five men, "Kosher Killers" whom he accused of plotting his father's death. Of this number one man was named as the director of the execution of the murder plot and detectives were sent out to arrest him for murder. It was said he had been arrested in connection with horse poisoning cases in the West Washington Market.

Of the twenty-five retail buyers named, the police have six or seven under direct surveillance and the remainder will be watched. Their conspiracy impressed Coroner Weinburg as one of the most astounding death plots ever carried out. The calmness with which the plotters were said to have set to work to remove a business competitor who had defeated them in trade competition seemed almost incredible to the Coroner, but he believed the story in the face of the evidence produced.

One of the men whom the police wanted to question was Morris F. Frankel, Secretary of the Live Poultry Dealers' Protective Association, with offices at 18-10th Avenue, near the West Washington Market.

New conditions arose that might have made the "Kosher Killers" determine on the assassination of Baff and possibly on the removal of others, outlined by Herbert A. Emerson, vice president and general manager of the Live Poultry Auction Company, at 425 W. 14th Street, which was named as one of the objects of the next attack of the retail buyers. Mr. Emerson, however, said he did not fear any attack on himself or on his company. He explained that the sole grievance of the

buyers against him was that the auction company was the medium through which B. Baff and A. F. Pearson operated in conducting their business.

"The buyers have nothing against me personally," Emerson said. "Any talk of their killing me is all bunk. I know that I have been disliked in places because I conduct the auction, but all of the buyers know that I have been absolutely passive in the fight between the Kosher Killers and Baff's crowd. I simply conduct an open market and it happened that Baff was able to hit some of the buyers pretty hard in my market, but I don't think the buyers blame me to the extent of wanting to see me dead. I certainly have no fears."

"To understand the situation down here and see just where a strong desire for Baff's death could have grown, one must go back to the old trust days. Before 1910 the poultry business in this city was controlled by a score or more of poultry receivers who have been called the trust. They were not a close organization, but they received all shipments of poultry from the West and had a monopoly on its distribution. By agreement they fixed the price of poultry once a week and sold their stock to the retail buyers, whom we call the Kosher Killers. They are the men who take the live poultry from the markets, kill it according to their Jewish ritual, and then sell it to the consumer direct, or to the small dealers.

In the trust-controlled market these Kosher Killers played a safe game. They sold it at a reasonable profit. No matter how high the price was, their profits were assured, for they simply charged for their stock a little more than they paid for it. And the trust receivers protected them. None of the monopolists entered into competition with them or tried to undersell them in the retail trade.

But Barnard Baff broke away from the poultry trust in 1910 and appeared in the field as the first independent receiver. He turned to the courts in his fight against the trust, and in 1911 succeeded in having thirteen men convicted of violating the anti-trust laws. In the end he completely smashed the trust. At about the same time A. F. Pearson was sent to New York from Chicago as the representative of the National Carlot Live Poultry Shippers Association, an organization of Western poultry shippers who thought they had not been getting a square deal in New York.

Pearson's job was to receive the shipments of the association and sell its poultry at the highest price obtainable. His first fight was with the poultry thieves in the New Jersey freight yard; also he wanted an open market in which he might sell his poultry at the highest price. He therefore joined hands with Baff in fighting the poultry thieves and in breaking up the trust.

Then the Live Poultry Auction Company came into the field. Realizing the demand for an open market where prices might be fixed daily by competitive bidding, State Senator-elect, [illegible] Bennett formed the auction company. Emerson had been a Western shipper who shipped

Baff the first carload of poultry he received after he broke with the trust.

There were two big independent dealers and an open market in which the price of poultry was fixed daily by bidding. The poultry industry was modernized. The auction company resembled a board of trade or stock exchange, and there was no more artificial price fixing once a week in a closed market.

But where were the "Kosher Killers"? Suddenly they were thrown into a condition of chaos. They no longer were able to buy their poultry at a fixed price and sell it at a small profit, but had to go into an open market, bid against other buyers, and take their chances in the trade. Many of them are immigrant Russian Jews, who had no idea of modern business methods and were not capable of contending in an open market with men of the brains and backing of Baff and Pearson. Even if Baff had remained a receiver and wholesaler the Kosher Killers would have had a hard time. The business world, they knew, was disorganized completely and they did not know where to turn or what to do.

But Baff was in the business to make money and he felt justified in making it in an honest way, so he used his brains and power to his own advantage, and in consequence, to the disadvantage of the Kosher Killers. If he received a large shipment of poultry from the West Washington Market he wanted to get as high a price for it as possible so he would go into the auction and , to use a stock exchange phrase, he would "bull" the market. He would bid up prices and then sell his own stock independently or through the auction at the prevailing prices. Pearson naturally also insisted on obtaining the market prices for his stock.

The "Kosher Killers" at first refused to buy from Baff or to accept the market prices, so Baff got into the retail field. He opened several retail markets of his own and backed several butchers who bought exclusively from him. With his facilities for thus disposing of his stock he was able to ignore the Kosher Killers. He was able to "bull" the market, jack up prices at which he obtained his poultry from the West, and then undersell the Kosher Killers in the retail field. As he was about the largest independent receiver in the city and the association of shippers represented by Pearson sent one third of the poultry received in New York, the two by simply going out into the open market were able to command a good deal of power.

Now you see where the poor Kosher Killers were. They were pushed to the verge of ruin, not by lawless methods but by the simple development of the poultry industry into a modern open business. They were the small fellows who went under, that's all. But instead of adopting themselves to new conditions or retiring from the business, they continued to regard Baff as the iron-fisted oppressor who had made life impossible for them. He was threatened and attacked many ways, and finally he was killed.

I don't say the Koshers did it, but I say that many of them had threatened Baff openly, not all of them, but a group certainly developed a murderous hostility toward Baff and those allied with him. The old horse-poisoning cases that caused such stir some time ago had their origin in this fight, and I believe that the men who poisoned the horses were among the conspirators who plotted Baff's death. They all belong to an organization at meetings of which Baff had been threatened openly. I don't think the organization as such decreed Baff's death, but certain members of it may have formed the conspiracy."

Emerson said that chicken thieves undoubtedly had their grievances against Baff but that he did not think they were the kind to plot or execute a murder, but admitted they might have conspired with the Kosher Killers.

Barnard Baff met Pearson a short time ago and warned Pearson that the Kosher Killers would get them both.

Pearson added that if the police can clean up the Baff murder within the next three weeks, no more violence will be done; otherwise, anything might happen. (New York Times, November 24, 1914 - page 20, col. 1)

Baff Clues Lead to Near-by Cities

M. L. Frankel was appointed secretary of the Live Poultry Dealers' Protective Association last summer when the buyers in the organization had three particular grievances.

1. Was against receivers who misrepresented the weight of the coops in which the poultry was sold.

2. Was against the men who were feeding sand to poultry and fraudulently increasing weights.

3. Was against B. Baff & Son and the National Carlot Live Poultry Shippers Association, represented in New York by A. T. Pearson.

He asserted Pearson and Baff increased the price of poultry to the buyers, by bidding up prices in the auction, and by withholding their poultry from the market until the demand exceeded the available supply.

All three of these "evils" Frankel said his association had attempted to correct, but he expressed himself as certain that none of the members of his association would have been willing to resort to murder as a means of correction. (New York Times, November 24, 1914 - page 13, col.)

Baff Denies Police Err In Murder Case

"The police are working on exactly the right lines, and I am sure they will soon have the murderers of my father in jail," said Harry Baff last night.

Mr. Baff was told that the police were being criticized because five days had elapsed since the murder and no arrests had been made.

"I have given the police much information bearing on the case," he said, "and they have acted on it capably. I hear from the police every day and know that they are making progress. Nothing shows on the surface yet, but you must remember that we are dealing with a very clever set of men and have to proceed cautiously. If we make a mistake now and arrest the wrong man or let our plans become public, the whole investigation may fall through." Mr. Baff would give out nothing of the details of the police investigation. Nor would the police say more than that, with one or two men whom they regarded as the key to the situation behind the bars, they would be able to make wholesale arrests that would be followed by convictions.

Coroner Feinberg felt that the police were on the right trail, but he said he appreciated the necessity for quick action.

"In a case such as this," said the Coroner, "the longer you wait after a certain time the more difficult the case becomes. The police must strike while the iron is hot or their men may get away from them. The police seem to be on the right track now, but in my opinion unless they are liable to make the most important arrests within the next two or three days the whole case will collapse." (New York Times, November 30, 1914, page 6, col. 2)

Baff Murder Case.
Chicken Inspector Held

Harry Cohen, alias "Kid Griffo," seized in old warrant, antagonized poultry man.

Detectives attached to District Attorney's office question suspected chauffeur. Would not admit unqualifiedly that they have right man.

Inspector Faurot of District Attorney's staff questioned Harry Cohen, known as "Kid Griffo," who was chicken inspector in Washington Market employed by the Live Poultry Dealer's Protective Association, and was considered to be an important witness.

A. M. Frankel, secretary of the Live Poultry Dealers Association, said the duty of Harry Cohen, as inspector, was to go through every car of poultry delivered in New York to see if any of the chickens were

sanded--made to weigh more by feeding sand to them.

Imposition of tax of $1.00 a car on receivers of the chickens or those who sold them to the retail buyers, for inspection, was insisted upon by the Poultry Dealer's Association. The theory was that those who sold chickens should pay this tax which amounted to between $100 and $130 a week. Some dealers, among them Barnard Baff, objected. The objectors said the Live Poultry Dealer's Association paid these inspectors and that tax was just so much graft or blackmail, charges made that those who paid the tax, their chickens were passed by certain inspectors, while those who refused were accused of "sanding."

Baff resisted more than any one else in the market in paying tax, which resulted in growing bitterness between him and inspectors. At the height of this controversy Cohen, caused the arrest of one of Baff's employees in Jersey City on a charge of "sanding" chickens and Baff had to pay a fine of $40 for the man. Bitterness was intensified between Baff and Cohen. Baff refused to pay tax of $1 a car to the inspectors.

Two men recently released from Sing Sing prison who on arriving in New York City immediately went to work in New Jersey freight yards where poultry cars were unloaded, were sought by police.

It was reported that friction between the police and district Attorney arose, but this report was denied. (New York Times, December 1, 1914 - page 1, col. 1)

Police Checkmated in Baff Case

Clues run down in vain. Chauffeur taken to District Attorney's office for questioning on suspicion of being the driver of the murder car was set at liberty.

Harry Baff, son of the murdered man, gave police twenty-five names of men whom he suspected of conspiring to kill his father, and he specified at least two whom he actually accused of murder. Yet police were unable to lay hands on one single man.

Commissioner of Police Woods and Inspector Faurot said they were making progress. The department has been working day and night on the case.

"We are on the right track," Commissioner Woods said, "and I feel confident that we will get the murderers of Baff. Certain of the retail dealers and poultry handlers seem to have got together to remove Baff and they had with them the blackmailing "chicken inspectors". (New York Times, December 2, 1914 - page 20, col. 1)

Nine Men Describe
Baff's Murderers

Two new developments were added to the Baff murder case.

1. The police announced they had found nine men who saw two gunmen running to the automobile in which they escaped after the assassination.

2. There was also an intimation, which could not be confirmed, that Governor-elect Whitman was framing a complaint to Mayor Mitchell in which he would criticize alleged inefficiency of the police in the early work on the mystery.

Five of the nine witnesses were clerks employed in the Century Bank at Fifth Avenue and Twentieth Street, who went to the market to purchase turkeys for Thanksgiving. They were standing on the sidewalk in Thirteenth Avenue and had a clear view of one of the gunmen as he ran within two or three feet of them. The other witnesses were Adolph Danziger, a marketman in front of whose place the bank clerks were standing, and three piano movers who were on a truck behind the "murder car."

From these nine witnesses whose stories agreed in the essential facts, it was established that two gunmen shot Baff, that they fled south in Thirteenth Avenue about 150 feet to an automobile standing at the curb a little above Gansevoort Street; that the auto was a low-built, coffee colored, five passenger touring car, with a shed top; that it was driven by a chauffeur who waited in it for the fleeing gunmen, and that after the murder it ran south in Thirteenth Avenue to Gansevoort Street and thence east to West Street. The witnesses also told the police other important details. One said he was certain that he could positively identify one of the gunmen if he saw him again.

City detectives complained that the activities of private agency detectives hampered them in their work about the market. There were almost as many detectives as poultrymen at the market.

When the five heard two revolver shots, they turned in time to see the two gunmen fleeing toward them, one running on the sidewalk and the other running on the street. One Cummings said he was able to observe the man on the sidewalk the more closely. He was shorter than his companion. (New York Times, Thursday, December 3, 1914 - page 7, col. 1 & 2)

Police No Nearer Baff
Case Solution

While the police are promising to correct the conditions that made possible the murder of B. Baff, detectives working on the case have made no arrests and were unable to predict that any would be made soon. The sleuths said the case was one of the most difficult they had

encountered in a long time, and they admitted it might take weeks, perhaps months, to clear up.

Police are working night and day but are not getting close to the trail of the murderers. And all the while eight men are under suspicion and were being watched constantly. Arrests will be made if direct evidence against them can be found.

Critics claimed that if these men were under suspicion they should be held at least as material witnesses and "pound and pound" until the truth was gotten from them.

But the police are following the theory that it is best to keep digging at the investigation until they have evidence stronger than mere suspicion and the accusations of the dead man's son. They are still working on clues, ten days after the murder.

Police Commissioner Woods said yesterday he was satisfied with the work of the police in the Baff case and hoped all the murderers would be arrested.

Woods complained that judges were not supporting the police in their campaign against weapon-carrying, now legally a felony instead of a misdemeanor.

"In 1913," he said, "all men were arrested by the police and either pleaded guilty or were found guilty of carrying concealed weapons. By the law each of these men was guilty of a felony, with a prescribed maximum sentence of five years in State's prison for first offenders and ten years for second offenders. Yet only 37 men out of 411 were sent to State's prison, the average of their sentences being five years and four months. Of the rest, 101 were released under suspended sentences, 89 were fined and set free, 44 were sent to Elmira Reformatory, 1 was sent to the city prison, and 139 were sent to the penitentiary, the average of their sentences being seven months."

Commissioner Woods pointed out that, whereas the old law made the carrying of a concealed weapon a misdemeanor, while the new law made it a felony, only the 37 offenders sent to the State's prison and the 44 sent to Elmira had received sentences more severe than those provided by law. (New York Times, Friday, December 4, 1914 - page 18, col. 1)

Reward For Baff's Slayers
Poultry Men in Convention in St. Louis
Make $200 Offer

The National Association of Carlot Poultry Shippers in special convention here today, telegraphed a reward of $200 to District Attorney

Whitman of New York for the arrest and conviction of the slayers of Barnard Baff, a member of the association, who was slain in New York recently. The association declared that it would lend any assistance in its power to the New York officials in the search for Baff's slayers. Several speakers denounced conditions that could make such a murder possible.

The association voted to abolish the position of A. T. Pearson as its special representative in New York, at $6,000 a year. His position and salary, together with the high dues, had caused dissension. (New York Times, December 5, 1914 - page 20, col. 5)

Know Go-Between In Baff Murder

No arrest made, but police are watching man who hired suspected auto. Fear to betray the case. This is the reason detectives give for not locking up men under surveillance.

Barnard Baff was shot and killed on a street in the West Washington Market as a result of a conspiracy, thirteen days ago, but the police have not made an arrest and they were unable yesterday to tell when they would make one. Harry Baff, the dead man's son, had accused at least two of his father's business rivals of the murder, but the police have been unable to obtain evidence that they felt would justify the arrest.

The position taken by the police is that, although certain men seem to have had guilty connection with the murder, there is no evidence on which any of these men could be held in jail. One police official said yesterday that he feared the whole case might be destroyed if an arrest were made prematurely, because the prisoner would be released at once under habeas corpus proceedings. It is much better, the police believe, for the detectives to wait until they "have the goods" on somebody whom they can arrest with the certainty of holding him and of obtaining a confession.

The detectives working on the case believe that they know the one man whose arrest would be an entering wedge in the solution of the murder mystery, and they are looking for this man in New York and New Jersey. Also, it is believed by many at Police Headquarters that the murder auto in which the gunmen escaped has been found. The man sought now has often used the automobile in question, it is said, and is thought to have hired it on the Tuesday evening on which Baff was killed. Since Baff's death the man has not been around his old haunts, and the automobile has not been used by him.

Know the Go-Between

This man is said to have been the go-between for the conspirators who paid for Baff's death and the gunmen who committed the murder. He

is the leader of a gang of toughs who have made trouble in the poultry freight yards in Jersey City and Hoboken, and occasionally in the west side of Manhattan. The man himself, it is said, spends much of his time in the neighborhood of the West Washington Market, and is on intimate terms with the particular group of retail poultry buyers who are most strongly suspected of having conspired for the murder of Baff.

According to the police theory, these conspirators determined to have Baff killed, and then offered to pay the Jersey gang leader to have the murder committed. The leader, it is said, appointed two of his men to shoot Baff, engaged the murder car for them, and then dropped out of sight, intending to lay low and watch developments from a safe place. Many of the detectives who have been looking for this man believe firmly that they have the right gang under surveillance, and the right man picked out as the go-between.

The suspect is known in the market as a good "fixer", the term meaning that he can arrange for assaults, threats, and strong-arm work when it is desired by any one willing to pay for it. In the past, it is said he has often shown his ability to remove "undesirables".

Suspicion of this man is strengthened by the fact that he has been known to hire the automobile believed to have been used by the gunmen in the murder of Baff. The police would not say yesterday that they had found the murder car beyond doubt, but information came from the detectives who have been looking for the automobile that of the five cars suspected out of the 900 bearing the initial figures "24" on their license plates suspicion has centered on one.

This automobile, according to report, has been hired several times for joy rides and other expeditions by the man for whom the police are looking, and was taken out on his order on the Tuesday on which Baff was shot. The garage in which the car is kept is said to be just north of the city, and although the keeper of the garage denied that the automobile has been used by gunmen, his admissions regarding uses to which the car had been put in the past convinced some that the police were on the right track.

Thus, at present, the police are centering their attention on the search for the go-between and the verification of their suspicions of the automobile.

Expect Arrest to Clear Case

"Let us make the first arrest," one of the men at headquarters said yesterday, "and six or seven more arrests will come so quick you won't be able to keep track of them. We've found the cover that is hiding the real murder plot, and we've got a pretty good of who are under the lid, so let us just get a lever under the edge of the cover and in a moment we'll pry the whole thing off and show everything underneath."

The only other progress made yesterday in the case, according to Inspector Faurot, was the elimination of sever l more false clues. The amount of information and the number of clues in the case have made one of the chief difficulties for the police. Whereas in other murder cases the trouble has been to find a motive for the murder and the man who had the motive, in the Daff case the police had 100 motives thrust upon them and have found at least 100 men who very conceivably might have wanted Daff killed.

Police Commissioner Woods could add nothing yesterday to their information as to the developments in the case, but he explained the "clubbing policy" of the City Administration. The policemen know who these thugs and criminals are, and they know when they are dealing with such men. (New York Times, December 6, 1914 - page 16, col. 3)

Women Questioned on Murder Of Daff

It was rumored at Police Headquarters that the names of the two gunmen who shot Daff were known. The police were looking for another gangster who had not been seen about his home in Cranberry Street, Brooklyn, since the evening Daff was killed.

Five women were questioned at Headquarters about the Daff murder. Frieda Werner and Laura Buckley, also Josephine Moore, "Patsy" Doyles' former wife , were examined at Headquarters yesterday, and all were locked up as material witnesses. From one or two of them, it was said, information affecting the Daff case was obtained.

The Rev. Christian F. Reisner, pastor of the Grace Methodist Episcopal Church in 104th Street, near Columbus Avenue, discussed gunmen and gangsters in his sermon last night. He said gunmen could not be suppressed by execution of death sentences, police clubs, or purely police work of any kind, and advised a correction of religious and sociological conditions to prevent future gunmen. (New York Times, December 7, 1914 - page 18, col 1)

Daff Case Unsolved,
Police Deputy Quits

Some of those working on the Daff case say that "It is one of the most difficult murder cases that has ever confronted the police, and that it can not be cleared up suddenly. Sooner or later we are sure to get all of the real facts together. Then we will be able to wind up our case in a short time."

Watch Supposed Ringleader

It was said at Police Headquarters that suspicion still rested on one automobile as the murder car and one man as the leader of the gang responsible for the actual shooting of Daff. This suspicion, it was said,

in the minds of some amounted to a moral certainty, but it was explained that the man in question had not been arrested because the police would not have sufficient legal evidence to hold him in jail if they put him there. (New York Times, December 8, 1914 - page 18, col 3)

Baff Evidence Withheld

Fifteen days have passed since Barnard Baff was shot in West Washington Market by two hired gunmen and the police have made no arrest for the murder. The inquest was held by Coroner Feinberg yesterday morning, and because the police were opposed to having any of the steps of their investigation made public, it was purely perfunctory. The jury found that Baff "came to his death at the hands of a person or persons unknown."

"I purposely avoided touching upon the conspiracy," said Coroner Feinberg later, "because I was advised that matters had not yet shaped themselves to make material revelations prudent."

Broadcasting of Scope of Live Poultry Auction Company.

Due to the Baff murder, Allen R. Carter suggests the broadening of scope of participation in the Live Poultry Auction Company. (Produce Review, vol 39, no. 9, page 454, December 16, 1914)

A number of live poultry receivers and others in New York Market have received under date of December 9 the following letter from the President of the Live Poultry Auction Company.

"In June Allen R. Carter, the president of the National Association of Carlot Live Poultry Shippers, wrote to us as follows: 'Do you not think that the time is very soon approaching when you ought to invite some of the leading shippers of live poultry to take stock in the Live Poultry Auction Company?' We did not take up the suggestion at that time for the reason that we wished to make a complete demonstration of the fact that live poultry is an auction proposition. Beginning with one car March 17 we have sold as high as eleven cars in one day and twenty-two cars in one week. We have sold successfully on all kinds of markets. Recently several receivers approached us with a proposition to be taken into our company. We have decided that the time has now come to act on Mr. Carter's suggestion, and we propose to act on it this week. The recent assassination of Mr. Baff, however, and led us to believe that we should broaden our invitation. It is not only apparent to everyone but is admitted by everyone in the market that the live poultry business is in an unfortunate condition.

The shipper, the receiver, the buyer, and everyone in the business is dissatisfied. The dissatisfaction can be easily removed. There is

intense bitterness in the trade. The time has come when this bitterness ought to end. We have, therefore, decided to broaden the invitation and to invite the shippers and also the receivers, the buyers and everyone also connected with the trade to unite in one selling agency and take stock in the Live Poultry Auction Company, Incorporated. As live poultry now is handled there is a great economic waste. There is at least $250,000 lost motion annually in the business because of the division of the selling end of the business, resulting in the duplication of rent, salaries, telegrams, telephones, weighmasters, clerks, bookkeepers, stenographers, laborers, postage, double cartage, double-handling of poultry, etc. This loss falls partly on the buyers. All of this loss can be saved by having one selling agency.

By saving this $250,000 of duplicated expense and by moderate commission, the net earnings of the selling over and above all expenses and bad debts would be at least $400,000 annually. That is more than all of the receivers in the market together are making, and such a concentration and saving would result in a saving to the shipper and buyer, and would be a benefit to the poultry as well.

You work long and hard at your business. Are you making as much out of it as your present capital invested in the stock of one general selling agency, selling all the poultry, would make for you in dividends alone? Figure it out for yourself. We think the time has come for all of us to cut out the bitterness, child's play, and worse, and act as sensible men would act; namely, cooperate. We therefore invite all of you or any of you to take stock in the Live Poultry Auction Company, Incorporated.

We propose to extend this invitation this week to everyone connected with the live poultry trade.

We have no private opinion as to how this cooperation ought to be brought about. We have, however, decided that someone ought to take the lead in trying to bring it about, and we, therefore, send out this invitation."

The Men Caught in Baff Murder

After ten men had been rounded up last night by the police in an effort to get to the bottom of the murder of Baff, two of the ten were definitely put under arrest on the suspicion that they were connected with the crime. Both men are poultry handlers by trade and have police records, each having been guilty of a previous offense committed in the market in which Baff was killed.

One of the men was David Klodney, 20 years old, of 1234 Forty-third Street, Brooklyn. He has served two years in the penitentiary for shooting a man named Rickus. The other was Isidore Switsky, 26 years old, of 165 Penn Street, Brooklyn, which address is the home of

Joseph Cohen, some times known as "Kid Griffo," who is a chicken inspector in the Washington Market. Switsky has served 2½ years in prison for assaulting a man in the market. The two victims of the assaults of these two prisoners, the police say, were business rivals of Joseph Cohen.

Old Assault Recalled

One of these two was Clodney, who, when he was being conducted through the hall, was accosted by Detective Dalton.

"Hello," said Dalton, "didn't I arrest you about two years ago for assaulting Baff's bookkeeper?"

"Yes," growled the man.

The other man was Switsky. Both men were questioned for hours concerning the Baff murder. Nothing that they said was given out, and, as far as could be learned, they were not arrested.

A fourth man, Joe Rosenstein of 3,207 W. Third Street, Coney Island, was arrested on a charge of forgery, preferred by Mrs. James Beggs of 3,632 Surf Avenue, Coney Island, who alleged he passed a spurious check of $20 on her.

Member of "Hudson Dusters."

The man arrested for assault was James Moore of 53 Monroe Street, Hoboken. He was employed by the Lackawanna Railroad as a chicken handler and, as a member of the "Hudson Duster" gang, knew a good deal about the murder of Baff, if not the actual murderers.

Significance was given his arrest by the fact that within an hour after he had been taken before Inspector Faurot and Captain Carey a score or more detectives hurried out of Headquarters as if on important missions. (New York Times, December 17, 1914, page 1, col. 3)

Only Four Of Ten Held
In Baff Case

Of the ten men taken to Police Headquarters on Wednesday night and early December 17, 1914, four were behind bars.

Two were held technically as material witnesses, but actually as suspects and the other two on separate charges. The other six were dismissed after examination.

The two material witnesses were arrested as "suspicious persons," and on the blotter of the Detective Bureau they were suspected of

connection with the murder of Baff. They are David Rubin Fleding, known as "Klonkid," and Isidore Witsky, known as "Izzy the Stool." Both are chicken pullers, and are well known at the West Washington Market and in the Hoboken freight yards.

The witnesses to the shooting of Baff whose names the police have, were taken to Police Headquarters yesterday, but none of them could identify any of the prisoners. (New York Times, December 1[illegible], 1914, page 9, col. 5)

First Indictments In the Baff Inquiry

The Cohens were indicted for assault, and not for the murder of Baff. At his request the Judge fixed bail of each of the prisoners at $25,000, so that their presence might be assured if they were needed in the Baff case. The brothers were locked up in the Tombs.

One of the other material witnesses held was Benjamin Lewis of [illegible]4 Throop Avenue, Williamsburg. He was a brother, it was said, of Abe Lewis, a notorious gangster. Every effort was made to keep secret the fact of his apprehension.

Joseph Cohen, the eldest of the three, began work in the market years ago as a boss truckman, and made a good living renting horses to the poultrymen. His first quarrel with Baff occurred when Baff, after several of his horses had been poisoned, discontinued the use of horses and substituted automobiles. He thus set an example that, if followed, would deprive Cohen of his living, and according to report, Cohen became bitter against Baff as a result.

It was Harry Cohen's business to inspect each crate of poultry received in the market, to see whether sand had been fed to any of them to increase their weight. For this inspection Cohen charged the receivers of the poultry $1 a crate, and bad blood arose between him and the two men named when they balked at applying this fee, calling it "blackmail" and graft for Cohen's benefit.

It was learned that Harry Baff, son and business partner of the slain man, will be among the material witnesses. Mr. Pearson and M. F. Franke, Secretary of the Live Poultry Dealers' Protective Association, an organization hostile to Baff, may be other witnesses. (New York Times, December 19, 1914, page 1, col. 6)

Baff Inquiry Today Before Grand Jury

Assistance in following the many converging lines thought to lead to the murderers of Baff may be given by Nathan H. Stone, a

lawyer, of 346 Broadway, who last week gave out an interview regarding business enemies of Baff, and has since received four letters threatening his life. Mr. Stone had charge of twenty-five or more lawsuits instituted by Baff against his rivals shortly before his death. Mr. Stone said Baff directed him to bring a suit against a man in the market who owed him money. On the afternoon that Baff was killed, and the day after the man had been notified that the suit would be brought against him, a process server from Mr. Stone's office intended to meet Baff in the market so that he might point out the debtor.

Two days after his interview was printed, Mr. Stone said yesterday, he received an anonymous letter in which the writer said, "Keep your mouth shut or you will be killed just like Baff and Rosenthal." (New York Times, December 21, 1914, page 7, col. 4)

Star Witness Jailed
In Contempt

The witness was Carl Rettich, 22 years old, who is the bartender in a Hoboken saloon owned by his father, in which poultry handlers of the Jersey freight yards congregate. According to report, the conspirators who plotted Baff's death met in this saloon, and made the final arrangements for the assassination. Rettich is supposed to have overheard part, if not all, of their conversation, and to be thoroughly familiar with the actions of the murderers both before and after the killing of Baff. (New York Times, December 23, 1914, page 8, col. 2)

Aid of Baff's Foes Bares Their Plots

After defying the District Attorney for two days and spending one night in the Tombs for contempt of court, Carl Rettich, the Hoboken bartender, yielded to Mr. Whitman late yesterday afternoon and told what he knew concerning the murder of Bernard Baff. He will be taken before the Grand Jury to repeat his remarkable story.

The young bartender, according to his admissions to the District Attorney, was the medium through whom men connected with the Hoboken and Weehawken poultry yards communicated when they could not or did not want to meet personally. The saloon in which he tended the bar was the rendezvous for various classes of poultrymen, and messages and money were left with Rettich by certain persons to be delivered to others.

It was in this capacity of medium or go-between that Rettich became familiar with the machinations of the poultry workers and came to know which cliques and individuals were friendly and which were hostile to each other.

His confession that he received $250 from one of the Cohens was considered even more significant and the supposition is that it was given to him in case "any of the boys got into trouble." (New York Times, December 24, 1914, page 1, col. 1)

Yields Weapons of Raff Slayers. Carl Rettich
Gives Up Revolvers He Kept Behind His Bar in
Hoboken. Mother Makes His Talk. Poultry Handlers'
Friend Says Arms Belong To "Jack" Cohen and Moore.

This article is two columns long and deals with the Raff case with evidence probably in the hands of District Attorney against the murderers, especially the weapons used. Names many suspects. (New York Times, December 27, 1914, page 1, col. 3)

Find Auto Used in
Raff Murder

The automobile in which the gunmen who shot Bernard Raff escaped has been found in a garage at 476 Thatford Avenue, East New York. It is owned by Alexander Perlman, a poultry dealer who was a friend of Bernard Raff, and who has told police that he believes the automobile was stolen and used for the murder while he was ill.

The theory is that the murderers of Raff, knowing the friendship between Raff and Perlman, thought that Perlman's automobile would never be suspected by the police. They took the opportunity when he was ill, therefore, of stealing it from the garage to use it for the escape of the gunmen.

Perlman has a wholesale live poultry market at the Thatford Avenue address, and next to it is the Perlman Auto Service Garage, from which the automobile was stolen.

The automobile answers the description of the murder car in every way. It is a seven-passenger, coffee-colored touring car with a shed top. It now bears the license number 61,787, which may have been removed when the car was used by the Raff gunmen.

Perlman said yesterday he had been assaulted four times because of his fight against Raff's enemies in East New York. When he was assaulted the third time, he said, he was talking to marry Raff, and after the fourth attack he decided to yield to the Combination to the extent of accepting them as business allies, but not to the extent of severing his relations with Raff.

A week before Raff was killed, he said, he became ill, the assaults upon him contributing to his condition, and did not recover until two weeks after the murder. During his illness, he said, he

thought his automobile was safely locked in his garage, but on his recovery he found that it had been taken out and used.

The witness Sullivan, a truck driver, voluntarily named the slayer of Daff to the District Attorney. He may be called today to accuse the gunmen before the Grand Jury. (New York Times, December 28, 1914, page 14, col. 1)

Five to be Charged With
Daff Murder

Two conspirators sent Daff a telephone call a half hour before the murder, by which it was established he was at his place of business. (New York Times, December 29, 1914, page 6, col. 1)

Daff Inquiry to End Today

The Grand Jury will sit again today, and Mr. Whitman will question the witnesses for the last time, as he leaves for Albany tomorrow. (New York Times, December 30, 1914, page 8, col. 4)

A rabbi who holds affidavits bearing on the Daff case and who was at one time a mediator between Daff and his enemies may become an important witness. (New York Times, December 31, 1914, page 7, col. 3)

Two More Daff Arrests

Two more persons were arrested in connection with the murder of Barnard Daff in West Washington Market, and one of them, captured in time to be arraigned before Judge Malone of General Sessions sitting as a magistrate, was held in $10,000 bail as a material witness. The other was locked up in Police Headquarters.

Beyond giving the names of the men, Inspector Faurot refused information. The one held in $10,000 bail is William Meyzanski of 140 Essex Street, Jersey City, known also as Luke Doyle. (New York Times, January 1, 1915, page 24, col. 2)

Cohen Brothers Get
Bail Reduction

Judge Rosalsky in General Sessions granted a motion yesterday for reduction of bail in the cases of Jacob and Joseph Cohen, who were arrested in connection with the Daff case and who were later indicted for assault on Arthur Pearson. Bail in the assault case was fixed at $25,000, which Abraham Baranohn, counsel for the Cohens, contended was excessive. Judge Rosalsky reduced the bail to $15,000. (New York Times, January 14, 1915, page 12, col. 3)

Saff Witnesses All Bailed

Joseph and Jacob Cohen, who were arrested in connection with the Saff case and who were later indicted and held in $25,000 bail on an alleged charge, were released on bail supplied by a security company after Judge Hossisky in General Sessions had reduced the amount to $12,500. Harry Cohen, their brother, who was detained as a witness, is also out in $5,000 bail and "Big Izzy" Switsky and other witnesses are out in $1,000 bail. (New York Times, January 15, 1915, page 7, col. 8)

The Unsolved Saff Case

"To the editor of the New York Times:

Have we, the public, a right to ask whether the Saff murder case has sunk into oblivion? Was no one found guilty, or were there too many found guilty? Was there no evidence, or was there too much evidence? Was some one afraid, or was some one paid?

Are the gunmen an overestimated power, or is the strength back of them so great that we are afraid to face them?

"E. D. L."

(New York Times, January 28, 1915, page 2, col. 8)

Saff Witness Shot In a Union Feud
Doyle, Held When Poulterer Was Killed,
Is Dying and His Two Companions Are Hurt.

Shield A Police Suspect
Injured Men Say They Do Not Know
Who Fired At Them From a Doorway

One of the three men who were shot from a doorway in Washington Street, between Franklin and Harrison streets, was Luke Doyle, who is dying in the Hudson Street hospital. Doyle was one of the witnesses held by the District Attorney in his inquiry into the murder of Barnard Saff, the West Washington Market Poultry Dealer.

The other two men shot with Doyle were William Costello, who the police say is a west side gangster, and Jeremiah Sullivan, business agent of a labor union. William H. Hangan, business agent of another union, was arrested for the shooting, though none of the injured men identified him as their assailant.

Policeman Charles Clark of the Beach Street Station said he had seen Hangan throw away a revolver and run. Clark and Traffic Patrolman

Harns caught Langan at North Moore and West Streets. When they returned to the place where the men were shot, the revolver could not be found. Langan was taken to the Hudson Street Hospital, where Doyle, Sullivan and Costello admitted knowing him, but they persisted in their assertion that they did not know who had shot them. Langan denied that he was guilty of it.

Doyle was shot in the stomach. Costello, who was wounded in the shoulder, was able to leave the hospital and go to his home at 30 Eighth Avenue. A bullet passed through the clothing over Sullivan's chest, but made only a slight wound. He, with Langan, was taken to Police Headquarters and questioned, and from there to the District Attorney's office, where Assistant Attorney Deval was unable to get any information from them concerning the shooting. Sullivan said he was hit first, apparently by a shot fired from a doorway as they were passing 340 Washington Street. He ran, without attempting to see who was attacking them, he told Deval.

Doyle, who is thirty years old, and lives at 128 Essex Street, Jersey City, was arrested and held in $10,000 bail as a witness in the Saff case, which has never been cleared up. He has been employed as a teamster and helper in Washington Market. Assistant District Attorney Deval thinks the shooting was the outcome of a feud between rival unions.

The trouble between the men goes way back, it is said, when Langan, Doyle, Costello, and Sullivan were all members of the local Union 449 of the International Teamsters, Chauffeurs, Stablemen and Helpers' Brotherhood, with headquarters at Indianapolis, Indiana. The charter of this union was revoked by the national body, after which Langan joined another local union under the same affiliation known as Local 654, which meets at Eighth and Twenty-fifth Street.

Formed a Rival Union

Sullivan and others formed an independent organization, which has been competing with Langan's union. The trouble culminated when fifty-five of the teamsters of the J. Pitman Company at 804 Franklin Street went on strike, and Sullivan induced them to join his union after he had obtained an increase of pay for them and had adjusted the strike. Sullivan lives at 68 Rainbridge Street, Brooklyn.

According to Inspector Faurot, who examined Langan and Sullivan, detectives arrested Costello and others in an attempt to clear up the murder of James Dunn at West and Eleventh Streets following a fight over a gambling dispute. He said Costello had been in Elmira, broke his parole, was arrested, and the police supposed he was back in the reformatory until they heard of the shooting. Langan and Sullivan will be arraigned in the Tombs Court.

Langan, while at the District Attorney's office, was allowed to communicate with his attorney, Hann Price of 287 Broadway. Mr. Deval

was unable to get a statement from Doyle at the hospital last night. He said Doyle's correct name, he believed, was Daminski. (New York Times, December 12, 1915, page 5, col. 6)

Poultry Men Must Go To Jail

It seems that due to public unrest, as is evident from "Letter To the Editor of the New York Times" of January 24, 1915, with regards to the unsolved Daft case, some drastic action against racketeering had to take place. On May the 13th, 1915, we note that the members of the so-called "Poultry Trust" lost their appeal against the decision of the New York Court. Here is what the New York Times of May 13, 1915 has to say on this subject.

"The members of the so-called "Poultry Trust," who were convicted of conspiracy in New York City, must serve their sentences of $500 fine and three months in the penitentiary under a decision handed down by the Court of Appeals today affirming the ruling of the New York courts.

The trial was conducted before Judge Otto Rosalsky, and thirteen of the nineteen defendants were convicted. The verdict was unanimously affirmed by the Appellate Division, First Department.

Those convicted were: Irving V. Dwyer, Arthur C. Dwyer, Charles Knickerbocker, William L. Smith, Chas. V. Jewell, James M. Morris, William J. Morris, Charles T. Hawk, Charles Thatcher, Hermon Bishop, Samuel Werner, Solomon Frankel, and Chas. Werner.

Those acquitted were Paulina Jacobs, David A. Jewel, W. Harry Posey, Joseph Cohen and Abraham Kassel."

Governor Whitman Cuts Sentence
of Jailed Poultry Dealers.

The conviction of twelve members of the Poultry Trust for conspiracy to control poultry prices was affirmed last week by the Court of Appeals.

Solomon Frankel, one of the original thirteen defendants, had died since the conviction of the men before Judge Rosalsky in General Session in 1911.

Following the successful prosecution of the dealers by Assistant District Attorney M. A. De Ford, they engaged several lawyers in an effort to have the conviction set aside, but the Appellate Division and the Court of Appeals both decided against them. According to Mr. De Ford, it is the first instance of a prosecution under the anti-trust laws, either Federal or State, in which a jail sentence was imposed, that has not been set aside by a higher court.

Attorneys for the twelve men are said to be making an effort to obtain a pardon from Governor Whitman, the Governor and District Attorney upon they were convicted.

The Governor cut the sentence of three months to two months and eighteen days, allowing the eighteen days the convicted men served in the Tombs, and when they have completed the two months at Blackwell's Island, they will be released. Judge Goslick had recommended the commutation.

Changes in Express Rates, Financing and Shipping of Fowl For Breeding Purposes.

The Interstate Commerce Commission in an unreported opinion, has announced a number of modifications in the uniform rates and classification of express matters.

The most important changes apply to refrigerator fruit, live poultry, and to C. O. D. shipments.

In the matter of shipments of live poultry and pigeons, a rule was put into effect that poultry for market purposes and that sent for breeding shall pay different rates. The shipper of market poultry will be required to state that his shipment is not to exceed twenty-five cents a pound when it will take the single rate.

Charges for the shipping of poultry for breeding purposes were decided on at a rate and a half in cloth coops. (August 20, 1915, New York Times, page 15, col. 1)

State Department Attacks System of Shipping, Charges Public Being Defrauded

The New York State Department of Foods and Markets based by the evidence of the experts of the U. S. Department of Agriculture is preparing to attack the system of shipping live poultry delivered here on the ground that the public is annually defrauded of $7,000,000 plus the danger and injury to health by the use of diseased fowls. Through the greed for profit the health of a large part of the communities in the five boroughs and adjacent districts is continuously jeopardized by the illegal practices of the shippers and distributors is the charge made by Commissioner Jno. J. Dillon of the State Department of Foods and Market. With the cooperation of the Department of Health, the District Attorney's office, the General Government, and the New York Society for the Prevention of Cruelty to Animals, the Commissioner expects immediately to put an end to conditions that are the most menacing to the general

health of the people that have come to the attention of the department since its inception. Here is the situation as outlined by the Commission. The people of the City of New York annually consume or buy thirty-five million head of poultry that are slowly dying at the time they are prepared for the retail markets. It has been found by scientific tests that the poultry when received here if not killed promptly would die within three or four days. For the privilege of eating this diseased poultry the people of New York are annually defrauded of approximately $7,000,000. The fact that the poultry is slowly dying when slaughtered by the Kosher butchers is expressed by the authority of the Department of Agriculture at Washington. There are 7,000 carloads of live poultry shipped here from western states annually with approximately 5,000 fowls to a car, averaging four pounds each, totaling 140,000,000 pounds of poultry. The average wholesale price is about 20¢ a pound, making a total of $28,000,000. This poultry retails at approximately 25¢ a pound, making a total cost for this article of food of $35,000,000 annually. The poultry when purchased by the shippers in the West must be delivered by the producers in the form of birds with empty crops. If the fowls have any food in the crops the producers must consent to a reduction allowance of ten percent of the gross weight of each fowl. The custom of handling live poultry in the transit is to physic the birds the first day. Then on the second day the fowls are fed light food without water with mixtures of red pepper to irritate the stomach. For twenty-four hours before arriving at New York the fowls are kept without food or water. We will quote the special report to us from the United States Department of Agriculture for the details of the further process in the shipment of live poultry to the market as follows: "The evil of the system of feeding in the case of poultry entering New York is found in the twenty-four hour starvation practice followed by the giving of the watery mixture of sand, gravel, corn, and wheat mixed with the paste-forming bran and shorts. The latter causes the mass to stick in the walls of the crops of the fowls and prevents its passage into the stomach; as a consequence hunger remains unsatisfied and the fowl continues to eat until it can hold no more. Given in the proper way, all of the substances used in stuffing the birds are recognized poultry foods, but the harm comes from the way they are put together. When the chicken's crop becomes distended with the pasty mixture an inflammation soon develops. Food cannot reach the empty stomach and pathological conditions assert themselves; the fowl begins to lose weight, appears sickly, and would die in three or four days were it not sold and killed in the meantime. Of course no one feels inclined to use as food the body of an animal that is slowly dying.

The year 1916 has gone on record with the discovery of a new racket whereby the public has been swindled of $164,065 weekly by unscrupulous poultry racketeers. (New York Times, April 15, 1916)

Gravel Stuffed Chickens

Inspectors find poultry sold, the crops heavy with corn and

gravel. May prosecute dealers. Statisticians of State Food and Market Department unearth a $164,062 weekly swindle.

Inspectors from the State Department of Foods and Markets got evidence yesterday tending to show that there was a systematic plan among some dealers in this city to stuff live poultry with corn and gravel, thereby adding from twelve to twenty ounces to the weight. Statisticians of the Department figured that in one week consumers were cheated out of $164,062 by this method.

Poultry bought in three stores in this city by Inspector George Hidebrand proved to have their crops full of corn and gravel, weighing from twelve to fifteen ounces for each chicken.

The method, according to Commissioner Dillon, was to starve the poultry for twenty-four hours and increase their hunger by feeding them red pepper. After the starvation process had been carried out, the chickens were fed a watery mixture of corn, wheat, and sometimes sand and gravel, mixed with paste, which caused the mass to stick to the walls of the crop. The grain did not reach the stomach and the chickens would die if they were not killed immediately.

Persons who heard of the chicken weighting said it reminded them of Mark Twain's story about the jumping frog, into which shot was poured by the owner of another frog just before the two animals were to have had a jumping contest on which the owners bet heavily.

About 175 cars of poultry containing 5,000 fowls each, arrived here last week. If this method were used quite generally, and our investigation and previous investigations by Federal Inspectors seem to indicate that it is, the dealers are selling something like 650,000 pounds of corn and gravel in the crops every week.

Another consideration is that the fowls are dangerous to eat, killed, as they have been, in a dying condition.

No complaints against the three dealers were made to the District Attorney, although Commissioner Dillon said that such a step was under advisement.

<u>N. Haff & Sons Continue in Limelight of Kosh Racketeer. Prices fixed Arbitrarily.</u> (New York Times, 5/11/16)

The report of the State Commissioner regarding the inquiry into the live poultry business has found that a combination of dealers controlled by one firm fixed prices arbitrarily, using underhand methods to make a fictitious market, and that the recently developed system of over-cropping has resulted in the payment by New Yorkers of about $7,000,000 in the last year for 30,000,000 pounds of government gravel and decayed food shipped in the crops of chickens and of

less than no use for food.

It was testified that the firm of B. Daff & Sons - the head of which, B. Daff, was assassinated if was alleged, through the agency of hostile poultry - was the controller of the poultry markets in Manhattan, Brooklyn and Bronx. Jos. and Harry Daff now constitute the firm and were frequently referred to as the "COLICOT CIRCLE" of New York.

Commissioner Dillon was especially interested in the testimony of F. A. Foy, publisher of the New York Daily Market Report. He said he had discontinued quotations on live poultry because he was constantly being made the victim of unscrupulous dealers who used his paper to obtain improperly large quotations. He refused at first to give the names of dealers who had imposed on him, but when Commissioner Dillon demanded names he gave that of Harry Daff.

Captain L. A. Barry, publisher of the Produce Price Current, said he also had stopped quoting prices on live poultry because of the improper manipulation of the market. He refused to name any dealers.

Bribery, Introduced for Purpose of Boosting the Market

Deputy Commissioner A. Emerson said he had information that bribes had been an aid to persons able to quote improper figures for the purpose of boosting the market.

Harry Gelof, a chicken dealer, told of a meeting in the Bronx at which it was found a member of a large poultry firm was seen peeping through the keyhole and when discovered, entered the room flourishing a revolver and declaring, "I must kill Louis Cohen. He killed my father and he must pay where my father is." This affidavit will also be filed in a suit Cohen is bringing on a charge of assault.

There were frequent references to the disputes among the poultry dealers so often connected with the slaying of Bernard Daff.

Mr. Foy testified that the over-cropping of chickens was worse now than it had been in the years that he had been familiar with conditions in Washington Market and other markets of New York City. "This is one of the most outrageous conditions we have ever uncovered. It indicates not only fraud perpetrated upon the consumer, but dangerous to the lives of the consumers. The Federal authorities found by examining the samples of over-cropped chickens that if they had not been killed they would have died in a day or so. The hindrance of digestion means nothing else than poison meat, because the bodies of the chickens do not throw off impurities."

Some More of Baff Racketeering (May 12, 1916 New York Times)
Sand Stuffed Poultry

John J. Dillon, Commissioner of Foods and Markets, faces the prospect of being the center of a storm over the murder in 1914 of Bernard Baff, the poultry dealer. The Commissioner started out to investigate the live poultry trade in the city. At the beginning of the hearing an affidavit by Louis Cohen, a poultry dealer whom the children of Baff have frequently accused of having to do with their father's death, made severe accusations against the firm of B. Baff and Sons, which now consists of Willie, Harry and Etta Baff. Harry and Etta Baff, unsubpoenaed and unbidden, went to the Commissioner's rooms at 204 Franklin Street and waited for a chance to say what they thought about Cohen. The latter did not appear, but he is to testify, and the Baffs assured Commissioner Dillon that they would be on hand. Cohen has told the Commissioner it will take him four hours to tell what he thinks about the Baffs. In the meantime, Wm. C. Brown, counsel for Cohen, spent the day drawing up papers in a slander suit Cohen is bringing against the Baffs on the ground that they accused him of murdering their father. Commissioner Dillon has not summoned the Baffs, but Miss Etta Baff has his promise so that she can have her say when the time comes. All of the witnesses agreed that the Baffs were the chief figures in the live poultry market. They handle about twenty percent of all the live poultry that comes to New York, because the Baffs have established branches and do both wholesale and retail business. Because they cut the prices to the consumer in many cases, the other poultry dealers entertain no very friendly feeling for them. The Baffs were accused by witnesses of manipulating the market and over-cropping poultry - that is, feeding it with a heavy food mixed with gravel so that the chickens would weigh more. It was alleged that by this method the Baffs were able to cut the price. The first witness was Fred Housvater, a former manager for the Baff Brownville Branch. He testified that it was the custom of the Baffs to purchase chickens which were cullings in bad condition. These would be kept until the day they were to be sold, he said, and then they would be fed with heavy foods and sand to make them weigh more. He said it was the custom of the Baffs to have loaded in a car about 4,000 fowls with a feed man in charge to bring them from the West. This man, he said, was instructed to feed the chickens, ducks, or geese with sand and gravel, in addition to unnecessary heavy foods. He said the Baffs could then undersell other dealers, and testified that on many occasions they had sold to retailers at from a half cent to one cent and a half lower than the wholesaler. Housvater left the Baffs and set up his own poultry business. He said the Baffs had told him that if he didn't close up his business and come back with them they would ruin him. When his testimony as to the feeding of sand to chickens was questioned by an attorney, Housvater produced a bill made out to Aaron Hallman of Chicago for feed delivered to one car of chickens shipped on November 19, 1915 to B. Baff & Sons. This showed the delivery of 4,000 pounds of feed and 700 pounds of sand.

The witness said this was the average amount of sand the Baffs fed to their poultry. After several poultry dealers had testified that over-cropping did not prevail to any extent in the New York market, Commissioner Dillon said he would like to believe the statement but couldn't understand why of six chickens an inspector of his department had purchased in the open market all had been over-cropped and some of the crops weighed as much as fifteen ounces. Commissioner Dillon brought out the fact that the reason the trade journals stopped printing quotations on the live poultry market was the manipulations of which the journals were often made unwilling victims. He also emphasized the evils of the premium system by which the dealers obtained from western shippers favors for the payment of prices alleged to be above the market.

Poultry Inspectors Accused
of Poultry Fraud

The inspection of live poultry on its arrival in New York is a farce according to testimony given before Jno. J. Dillon, State Commissioner of Foods and Markets. He is investigating the poultry business. Witnesses said that despite the general over-cropping of chickens, not one car was ever confiscated and that the net result of the investigation was the delay in the slaughter of the chickens, the result of which was the impairment of the quality. Men who unloaded the chickens testified that they often took the fowls off the cars in defiance of the inspectors. The inspectors are paid by the receivers of the poultry and are under the supervision of Saml. Walston, Deputy Commissioner of Weights and Measures. Joe Hartigan, Commissioner of Weights and Measures, said that it would take 1000 men to prevent abuses in the live poultry business in New York and that he had but one man to do the work. He admitted that the car inspection of live poultry was unsatisfactory but he said he was powerless to remedy the situation under present conditions. The investigation of the market shows that in addition to moldy bread, sand, gravel, and other things fed to chickens en route to New York to make them weigh more, car men mixed Portland cement with a low grade of flour.

Harry Baff, of the firm of H. Baff & Sons, who has been accused by witnesses of over-cropping chickens, admitted after the hearing that he had over-fed poultry. "I can show you hundreds of bills for sand and gravel," he said. "I overfeed chickens. What if I do? The city passes them and that lets me out. I am in the business to make all I can. Jos. and Jacob Cohen, who have a practical monopoly on the business of unloading live poultry when it reaches the city terminals, were the chief witnesses at yesterday's hearing. Jos. Cohen testified that he was always forced to delay unloading until the men in charge of the cars had finished feeding the chickens. I haven't unloaded a car of poultry in five years that had not been

[illegible]

[illegible]

The inspection of live poultry on the markets in New York is according to testimony given before our committee, [illegible] [illegible] of foods and markets. The investigation the poultry [illegible] witnesses said that despite the general over-crowding of [illegible], not one car was ever quarantined and that the net results [illegible] overlooking the fact in the slaughter of the chickens, [illegible] it or when the inspection of the quality. One was [illegible] [illegible] testified that they often took the foods off [illegible] of the inspectors. We imported an are said by [illegible] receivers of the poultry and are under the supervision of [illegible] inspection, inspection consists chiefly of [illegible] and [illegible]. The [illegible] [illegible] in the live poultry business in New York and [illegible] inspection of live poultry was unsatisfactory in the said as was [illegible] investigation of the market [illegible] in addition to poultry [illegible], [illegible], and other things fed to chickens on route to New York to make them weigh more, our [illegible] [illegible] [illegible] [illegible] [illegible] of flour.

[illegible], of the firm of [illegible] has been accused [illegible] of over-crowding and [illegible], [illegible] after the [illegible] and [illegible]." he said. "I overfeed chickens, [illegible] if I [illegible] [illegible] that late as 1[illegible]. I am in the business to [illegible]. Joe, and Jacob Cohen, who have a prominent [illegible] of wholesale live poultry also it receives the only [illegible], [illegible] chickens at [illegible] market. Joe. [illegible] that he was always forced to delay unloading until [illegible] [illegible] of poultry in five years that had not been

fed to the limit he testified. They get corn, sand, wet bread, gravel, and a little coloring." What is coloring, he was asked. "It's an appetizer. It makes them eat more," was the answer. Cohen was asked if there was any food value in the overcropping mixture. "Well, the only use I can think of would be to build a house with it," he said. "It ought to be a good substitute for bricks."

Jacob Cohen, Joseph Cohen's brother and partner in business, said that in five years he hadn't unloaded a car of chickens that had not been over-cropped. He testified that the inspectors sometimes held up a car of chickens but that the dealers had little difficulty in getting it passed. He said that sometimes a car was unloaded even if the inspectors refused to pass it. Chas. Hawk, of the firm of C. C. Hawk & Son Company, said the practice of over-cropping was general. He said he had often found in cars bags of sand mixed with meal and the slaughter of chickens invariably resulted the consumers with full crops. There is a city ordinance which says that dealers who do not obey the law relative to over-cropping shall have their fowls confiscated and that the chickens shall be sent to charitable institutions. No witness could recall that this had been done. Section 34 of article 3, chapter 26, of the Code of Ordinances provides that no chickens shall be offered for sale unless their crops are free from food and all fowls not complying with this provision shall be seized and condemned. At the close of the hearing, Harry and Willie Haff were sent to the Sheriff's Office at 31 Chambers Street and were released on $1,000 bail each on account of a suit Louis Cohen filed against them yesterday charging that they had slandered him by saying he had to do with the murder of their father. (New York Times, May 13, 1916)

<u>Hard Hit Racket Investigated</u> (New York Produce Review, May 17, 1916)

John J. Dillon, New York State Commissioner of Foods and Markets, began an investigation of the Live Poultry trade, more especially the abuses of over-cropping the poultry with unnatural food. (New York Produce Review, May 17, 1916)

M. A. Emerson, Deputy Commissioner of Foods and Markets, administered the oaths to the witnesses and conducted the examinations, and, when through, turned the witnesses over to Commissioner Dillon for his examination.

The investigation opened by calling on Attorney Wm. U. Brown, who had been subpoenaed, to give any information he had regarding abuses in the live poultry trade and to bring any affidavits he had prepared for use in suits pending for clients. Mr. Brown stated that Harry and Wm. Haff had accused Louis Cohen of killing their father and that the Haffs threatened to kill said Cohen. He said affidavits had been prepared for use in a criminal suit for slander against the Haffs, one of which he read. Mr. Emerson then asked Mr. Brown if he had any affidavits regarding over-feeding of poultry. He read two

such affidavits, one by Fred Hansvater, who had formerly been manager for the Baffs at their Brownsville branch in which he had made serious charges of having been compelled by the Baffs to overfeed the poultry before selling, and of having received instructions to force dealers to buy the Baff poultry under threats to sell direct to their customers at a lower price than the dealers could purchase in West Washington Market. Another affidavit by Sander Gordon was a statement of threats by the Baffs to put the dealers out of business if they did not purchase their poultry from the Baffs. It also stated that Mr. Gordon had seen poultry overcrowded by receivers and a hose turned on the poultry, soaking the feathers to increase the weight.

The next witness was Captain L. Frank Berry, President of the Urner Berry Company, publishers of the Producers Price Current, who was asked as to general conditions prevailing in the live poultry trade and reasons for the elimination of all quotations. Captain Berry stated that the competition on the part of receivers to secure shipments of live poultry had become so keen that receivers guaranteed premiums of anywhere from ½ to 1¢ per pound, in instances even more, for especially desirable poultry over the published quotations in the Producers Price Current and that it became simply impossible to report prices that represented actual selling figures.

F. A. Foy, publisher of the New York Daily Market Report, was the next witness and the questions and answers were about the same.

Fred Hansvater was put on the stand and confirmed the statements of his affidavit. A dealer named David Hirshon of Brownsville testified that he came over to West Washington Market to purchase supplies for the Passover Holidays. He was called on the telephone by a representative of the Baffs and told he must go back to Brownsville empty and purchase his poultry there of the Baffs. He was threatened that if he did not the Baffs would sell direct to his customers at lower than the wholesale market prices. He told how he went back empty, arriving at Brownsville. Baff's place was closed and he went to where the cars were on track, where he saw the car man in charge stuffing the poultry with a mixture of unnatural food and playing a hose on the poultry, soaking the feathers with water.

Charles H. Jewell, of Jewell, Koenig and Company, was the next witness. Mr. Jewell stated that he had been in the poultry business since 1887. He explained the general conditions of business, how values were arrived at, the difference between heavy and light fowls, how at certain seasons, especially the Hebrew Holidays, heavy fowls had the preference, while at other seasons light weights were most in demand. He said that present inspection conditions were satisfactory and that over-crowded poultry could not be unloaded from the cars. When asked by Commissioner Hillon what he thought would be an improvement over present conditions, he said the handling of live poultry as it was a few years ago when receivers sold all their

poultry to jobbers and the latter distributed to the slaughterhouse dealers and they in turn to retail butchers. In that way receivers were fully protected, if jobbers had control of all poultry sales and credits could be regulated. Geo. G. Brown was next called to the stand and gave testimony confirming statements of Mr. Jewell. He stated that receivers were simply peddlers. The business was in most unsatisfactory shape under present conditions and there was no system which protected producer, receiver or consumer. Commissioner Dillon asked if he had any suggestion to offer toward bettering conditions. In answer, Mr. Brown stated that his idea of a better condition had been declared illegal by the State, consequently, he had nothing to say. Mr. Brown stated that he was satisfied that under present conditions the producers realized at least 1¢ per pound, more than under former methods but he said this had not benefited the consumer a particle. Arthur O. Dwyer of the Chas. Collins Company, followed Mr. Brown. Mr. Dwyer stated, as other leading receivers had, that the present system of inspection was satisfactory. He stated that he did not like the present conditions, and when asked what he would suggest he said that a standard price, whether fixed early in the week or later, would be beneficial, and while it would bring the producer less money, it would cost the consumer less. Mr. Dwyer thought the margin between the wholesale price and cost to the consumer was not enough for safety. Efforts had been made time and time again by a community of killers and butchers to get together on a system, but such actions had rarely lasted more than two or three weeks, and he thought the old way of selling all poultry to jobbers was by odds the best.

Sam Werner then took the stand, and his testimony confirmed that of the other large receivers who had preceded him. Commissioner Dillon asked Mr. Werner his definition of a premium.

"In the produce business a premium means an amount of percentage above published quotations in a price current. There are two such publications in New York City, but there can be no premium unless the commission dealer can control or influence the publisher of the Price Current to under-quote the market. Premiums are a fiction, a swindle, and a fraud. They are resorted to when competition is strong. The commission dealer promises or guarantees the shipper a price above the quotation for the day on receipt of the goods. If the quotations were fair, and truthful, and honest, the quotation would be his selling price, and the commission dealer who guaranteed a cent a pound more would have to lose the cent on every pound sold, or take it out of his commission. Consequently, he lies to the price current publisher to induce him to quote a price less than the actual selling price so that he can settle with the shipper for his selling price or for less. I have tried to influence quotations in this way and for this reason."

A few days later Charles T. Hawk of C. L. Hawk and Company was the first witness. He acknowledged that if he offered a premium, he

[illegible] would lose money unless quotations were published below actual selling prices. Mr. Hawk was asked if poultry was over-cropped before unloading. He answered that in his experience it was, and stated that a car received not long ago did not clean up the day of delivery and he carried over 55 coops which shrank 1[illegible] pounds by the next morning. He was followed by Joseph Cohen, who is in charge of the gangs that unload the live poultry that arrives in private cars into coops for delivery to the markets. He stated that all cars of live poultry were stuffed with food just before unloading. As a rule nearly all cars carried sand, ground oyster shells, doctored flour, buttermilk, gravel, red pepper and other ingredients which were mixed into paste for stuffing the poultry. In addition, the birds received all the water they would take.

He stated that there were places in Brooklyn close to the live poultry yard where all such ingredients were on sale. He also stated that his gangs were often held up anywhere from one to five hours while the car man in charge finished feeding, before he would allow the unloading. Mr. Cohen was asked the effect of such feeding and stated that if the poultry were not killed promptly they would die. When asked what use could be made of the mixture forced in crops of poultry, he said he did not know unless it could be used in building a house. Jacob Cohen, brother of Joseph, in charge of some of the gangs, verified his brother's testimony, and stated the birds often died in the cars and he had seen them die in his hands while unloading. He was asked if there was not an inspection of the poultry by authorized inspectors. In reply he stated that there was scarcely a day that inspectors did not turn down a car for over-feeding and that in some instances the poultry cars had been unloaded in spite of the turn-down.

In the next session Jacob Adler of Brownsville was called first. He verified the testimony of previous Brownsville witnesses. When asked if he knew of any coercion by any large receivers to compel Brownsville dealers to buy only from such receivers, he answered that A. Haff and Sons had threatened to sell direct to customers of such Brownsville dealers unless they purchased from that concern. He stated the Haff poultry was over-cropped and poor and mentioned several dealers besides himself who refused to buy such poultry and that the Haffs offered and sold to their customers direct at 3½¢ per pound less than prices charged to other Brooklyn butchers. He also stated that some time ago A. Haff and Sons had threatened the Brownsville jobbers that they would be put out of business if they testified in the investigation of the live poultry trade now going on. He also stated that Harry Haff paid a dealer named Goldstein in Brownsville $50 or $100 if he would show bills to other Brownsville jobbers at higher prices than he actually paid. He also stated that at one time he purchased 16 coops of live poultry from Jacobs Bros. of West Washington Market and was charged 23¢ per pound. He found out later that other Brooklyn jobbers had only paid 21¢ on that day. He complained to Jacobs Bros. and they

told him the market had dropped and changed his bill to 21¢. The following day the market was 18½¢.

Mr. Eli Kastine was the next witness. He was asked his experience regarding overcropping and stated that poultry was nearly always fed up to the limit, but not as bad under present inspection system as formerly. He knew of cases where poultry had been unloaded after having been turned down by the inspectors. He stated he always refused to pay his bills when he thought the price was too high. He was asked what reforms could be made to better the situation and replied a daily market quotation.

He was followed by William Lemmel who stated he had found nearly all live poultry over-fed and thought each shipper had a recipe for a mixture to increase the weight. He also favored a daily market quotation.

The next witness was Charles Schonreit who stated that crop conditions were somewhat better of late than formerly. He complained bitterly of the competition among jobbers and stated that he did a business of $400,000 a year and did not make a profit of one cent.

Samuel Fleck, a West Washington Market receiver, was recalled to the stand. He was asked if he had carried over considerable stock and how much shrinkage he had sustained. He replied the shrinkage was heavy, fully 200 pounds to a car. He was then asked if he had ever heard of undue advantage having been taken by advertising, in certain sections, poultry to butchers at less than the wholesale price. He answered, "Yes." When asked by whom, he answered, "L. Haff and Son, in Harlem to injure Simon and Cohen, jobbers in that section."

Mr. Fleck was then asked if he had ever heard of any receivers threatening to open up buying stations in the West or South to force shippers to ship poultry to such receivers. He answered that S. Haff and Sons had so threatened J. R. Harbin of Fayetteville, Tennessee.

The session was then adjourned.

After the adjournment Commissioner Hillon called the newspaper men present, saying he wanted to show them specimens of the unnatural feed used in over-cropping poultry. In opening about ten or twelve packages he stated the samples contained in each package were taken from one car of live poultry that arrived. When opened the following ingredients were exposed:

1 package doctored flour	1 package ground marble
1 " zinc clippings	1 " sand
1 " ground oyster shells	1 " red pepper
1 " gravel	2 or 3 packages unknown ingredients

A quart can consisting of a mixture of the above ingredients with buttermilk and water of a pasty character, can weigh 3½ pounds.

Grand Jury Indicts Lewis Berner for Conspiracy

A blanket indictment was returned by the November 1916 Grand Jury charging conspiracy to control live poultry prices against Mrs. Lewis Berner, of the Live Poultry Association. It is charged that as a result of this conspiracy the slaughterhouse operators in the combination illegally extorted through retail dealers a large amount of money from the Jewish trade in the section of the city covered by their operations. (New York Produce Review, December 15, 1916)

In continuation of the investigation into the abuses in the live poultry trade by Hon. J. Dillon, Commissioner of Woods and Markets of this State, several Kosher killers of Greater New York were examined. Several were compelled to admit that under present conditions of over-cropped poultry there were parties to swindling the consumers who had to pay for crops weighing anywhere from six ounces to one pound in almost every fowl purchased.

Jacob Bloom, of Bloom Bros., 506 E. 75 Street, was the first witness. He was asked if he was familiar with the condition of poultry on arrival. He replied there was plenty of food in the crops and he suffered a loss of 600 pounds to 700 pounds a week shrinkage in weights of 25,000 pounds or 30,000 pounds purchased. He claimed the fowls were stuffed with a mixture of sand, gravel, shorts, and other unnatural ingredients which hardened in the crops, making digestion very difficult, and the fowls would not care to feed for two or three days, so that it was impossible to bring back the lost weight. When asked if he thought a daily quotation would be better than the present system of establishing prices for stock purchased since the previous Monday of each week, Mr. Bloom replied he thought it would. He was asked if he knew that several shops had been closed in the Bronx and the owners had been paid a weekly sum to keep closed. He answered no.

Nathan Newman, of 736 Southern Boulevard, was the next witness called. He testified that shrinkage was heavy and that he lost 1,600 pounds out of 21,000 pounds purchased. He stated that the situation had become worse since truck buying came to be more general than it had been formerly. He was also asked if he knew that several shops in the Bronx had been closed and the owners paid a weekly sum to keep closed. He answered he did not know; he had heard that some shops were closed, but did not know of any one being paid to close. He was asked if he knew of any fights in the Bronx. He answered, "Lots of them". He was asked if he ever heard of bribes given to report higher prices paid than actually had been. He never had.

Louis Gerber, of Gerber and Carrolla, 613 Johnson Avenue, was then called to the stand. He testified that the situation regarding over-cropping was very bad. In a lot of poultry purchased he lost 150 to 200 heads by dying and if he had not killed the balance promptly he would have lost more. Mr. Emerson, who was conducting the examination, remarked, "Then you killed the fowls to save their lives?" Mr. Gerber testified that he had found crops that weighed a full pound. He was asked if he had ever heard that car men had been given a premium of $25 to $50 for increasing the weight of poultry over the weight of the time of loading. He answered no. He was asked if he could suggest any improvement from present system of establishing prices. He answered that he thought open buying and selling and daily prices would be beneficial.

J. Oscar Marshall of 163 Duane Street then took the stand. When asked about present condition of poultry on arrival he stated nearly all were overcropped. In answer to a question as to buying on track, he said he thought fifty percent of the receipts were so purchased, the price being based on quotations. He stated that poultry purchased from the farmers for ship out to markets was practically empty crops, and that shippers insisted that birds should be clean, with normal crops, when loaded into cars, thereby showing that the overcropping was done in transit or after arrival here. Mr. Marshall stated he had known instances where the car men in charge of the car had been paid $10 to $15 for increasing the weights.

Nathan Mantzis of 160 Avenue B was the next witness. He was asked if he was ever approached by a receiver and asked to make a statement that he had paid more for poultry than he actually had. He answered yes, he had been offered $100 to report he had paid 19¢ for fowls which he had actually bought for 16½¢. He tried to earn the money and offered 19¢ to receiver for ten cents, but the receiver refused to sell him and he did not get the $100. He was asked who offered him the $100 and he answered, "Harry Saff." He was asked if he knew of any dealers who tried to make "fictitious" market prices, and he said he had heard of such instances but could not prove it.

The next witness was Harry Goldstein of 234 Monroe Street. He was asked if he had been offered inducements to try to have the market quoted higher than conditions warranted. He answered that Harry Saff had offered to supply him with poultry at ½¢ a pound cheaper than the market if he would try to make a higher quotation. Mr. Goldstein was asked if he had any voice in establishing prices. He answered no. He was then asked how the prices were made. He answered, "Well, Captain Harry and three or four large receivers go into a room and in ten or fifteen minutes Captain Harry comes out and says the market is made, but he never told me." He also stated, "If I tried to go in I would have been thrown out."

The examination of witnesses was continued later.

[illegible]

[illegible] a lot of poultry purchased by [illegible] and not killed the bribing [illegible]. [illegible] When you killed the fowls to see [illegible] that he had found crops that weighed [illegible] he was asked if he had ever heard that our men had [illegible] of 35 to 40 for increasing the weight of poultry over the weight of the size of [illegible]. He answered no. [illegible] suggest any improvement from present [illegible] prices would be beneficial.

J. Oscar Kendall of 165 Bank Street, took the stand. [illegible] been asked about present co-ordination of poultry on arrival he stated [illegible] were overcrowded. In answer to a question as to [illegible] the price being based on g obtained. He stated that [illegible] purchased from the farmers for ship at Montreal [illegible] usually crops, and that an opera [illegible] Kendall be asked, with normal crops, were losses [illegible] that the overcrowding was done in transit or at [illegible]. J. Kendall stated he was [illegible] where the [illegible] be storage of the car had been paid [illegible] for increasing [illegible].

[illegible] witness was the next witness. He was asked if he was ever approached by a receiver and asked to make a statement that he had paid more for poultry than he actually had. He answered yes, he had been offered. He to report to Kendall [illegible] for fowls which he had actually bought for [illegible]. He stated [illegible] the money and offered it to receiver for ten cents, but the receiver [illegible] refused. [illegible] he would try to make a higher quotation. [illegible] he would be [illegible] and be said he had heard of such instances but would not swear to it.

The next witness was Harry Goldstein of 824 Notre Dame Street. He was asked if he had been offered inducements to try to have the market report altered. He stated he had been offered to supply his with poultry at 4¢ a pound [illegible] the market if he would try to make a higher quotation. [illegible] he would be [illegible] in set [illegible]. He answered no. He was then asked how the prices were made. He answered, [illegible]. Certain Harry and three or four other receivers [illegible] in the [illegible] Certain Harry [illegible] and [illegible] he never [illegible]. He also stated, "If [illegible] I would have been [illegible]."

[illegible]

William Grant Brown, attorney for Louis Cohen, told the commissioner that his client's testimony would be such that if any members of the Baff family should appear they would probably shoot the witness (Cohen) on the spot. As a precaution, Deputy Commissioner Emerson stationed the secretary of the department, Geo. Goldsbrand, at the entrance of the room to disarm all comers. Mr. Emerson then announced if any one in the room had any weapons to step outside and leave such weapons in the outer room. No one complied with the request. Fortunately, none of the Baff family appeared.

At the session the first witness was Edward J. Koenig of Jewell, Koenig and Company, commission merchants, of West Washington Market, who testified his firm handled live poultry on commission and also operated a slaughterhouse and sold to small butchers. He was asked as to the condition of crops on arrival. He replied that for the past few years poultry has been overcropped every day, but he thought conditions were materially improved since commissioner Martigan had taken charge of inspections. He testified that settlement was made at car platform weights with shippers and his firm had to stand for any shrinkage that occurred before sale. When asked if he knew that fowls were fed before unloading, he replied he did not, except by hearsay. He was asked if the Kosher killer business in this town was not in a deplorable condition. He replied, "Very much so." He had heard of cars being unloaded regardless of the fact that inspectors had held them up on account of overfeeding. He was asked if he had been annoyed many times by car men refusing to let him unload for sometimes five or six hours, and answered, "Yes. Not five or six hours, but two or three hours." Next he was asked if poultry was sometimes inspected by the Society for the Prevention of Cruelty to Animals, and if the Society had men in the market, and if commission men paid money to them. He replied that they had men in the market, but he had never heard of commission men paying them. Was asked if they ever collected for some sort of advertisement. Answered, not to his knowledge. Was asked if Kosher killers had not complained that Baff was running their business. Replied, yes. Was asked if he was at Fleck and Hillman's a short time ago and overheard a conversation in which Mr. Fleck asked Harry Baff whether he could advertise poultry at retail in Harlem at 18¢, which was below the wholesale market. Mr. Fleck stated it was a disgrace to the trade; Baff replied he was only offering poultry at the cheaper price to customers of Simon and Cohen. Was asked to tell the commissioner the greatest evil in the live poultry trade at this time. Replied, "I think fierce competition among the Jewish element in particular and it applied to the retailer, shipper, and receiver. It is an endless chain." Mr. Koenig was asked to tell what might be done to make the situation more wholesome and better, to the benefit of producer and consumer and the trade in general. In reply he stated there were so many evils it would require study to suggest a proper solution; he thought the former system of jobbing and receiving the most satisfactory, but that conflicted with the law

and was out of question; track buying was a very bad feature, a track buyer might try to depress the market one week and to lay plans for the next week; and the credit system was a very bad one. He stated he did not believe price cuts are influenced to undercuote the market.

Mr. J. Oscar Marshall was recalled to the witness chair. He was asked if he handled two cars of live poultry within the past ten months. He replied he had for Mr. Joseph Sulton, who sold them to Mr. Raff and Son and agreed that Raff should buy the poultry net, no commission, top quotation for southern and southeastern and a contract was drawn and signed. Then it came to a settlement Raff and deducted the regular commission for selling. When asked why, after he had signed a contract to pay top quotation, no commission, he answered, "Well, do you think I am going to handle stuff for nothing? I am not in business for love." Mr. Marshall said, "He then called me a crook, a thief, a liar, and some other vile words in the presence of Mr. Sulton and called me a swindler and said he could prove I was a crook all my life." He then had a wrangle with Mr. Sulton. He waited to see whether weight corroborated cars and they were 1038 pounds short, to which Mr. Sulton called his attention. Within a few minutes Raff called up and said his bookkeeper had made a mistake of 1000 pounds, and the 38 pounds was for dead and cripples. Mr. Marshall stated, "Mr. Raff spit in my face and wanted to assault me but Mr. Sulton separated us." He was asked to furnish the contract, but said that the contract and the account sales were in the hands of Attorney William Grant Green.

Mr. Jos. Sulton was then examined and confirmed the testimony of Mr. Marshall.

Mrs. Julian Heath, president of the Housewives League, who was present, was asked to take the witness chair. She said had complaints from Jewish women and had visited Kosher butcher shops and found the poultry over-cropped.

Mr. William Simon of Simon and Cohen was the next witness and gave exhaustive testimony regarding the evils existing in the trade for several years past, showing unsatisfactory conditions existing regarding over-cropping poultry when purchased, the very heavy shrinkage, causing severe losses, fierce competition, illegal practices, threatened violence, showing the most deplorable conditions which were forcing the small dealers out of business. He was followed by his partner, Mr. Louis Cohen. Mr. Cohen testified to the same general unfavorable conditions. He stated that he was called out of bed to attend a meeting of retail butchers. The butchers had held the meeting to try to devise some way to better conditions. He told the butchers it was too late to talk the matter over, but if they would appoint a committee of twelve he would meet them the next evening, which he did. While talking over matters the Chairman saw someone peeking through the door and asked the part, nearest the door to see who it was. On opening the door, Harry, William, and Miss Raff rushed in. William,

having the gun in his hands, had shouted, "We are going to kill Louis Cohen; he killed my father"; and then Harry Baff told his brother, "Now we got him, kill him." The twelve men present finally pushed the Baffs out.

Further examinations indefinitely postponed.

Red Pepper and Cement Diet. Investigation Ingenious Feeding Methods of Poultry with Intention to Defraud the Public become Rampant, That an Investigation Was in Order

An experiment to find out the effects of a diet of red pepper, Portland cement, pebbles and other weighty things upon chickens was to be conducted by Jno. Dillon, Commissioner of Foods and Markets, in his investigation of methods used by dealers to make money out of the poultry trade. Jacob Adler of 138 Watkins Street, Brooklyn, told the Commissioner that Harry Baff and the chicken trust had threatened to drive him from the business. Two other men had heard the threat, Adler said. Baff's reason was that Adler was too smart in the business and would get out as poor as a church mouse, according to the Brooklyn dealer's story. Others testify of the efforts to drive small dealers out. It was testified that a combination of big dealers fixed prices, and one witness declared that a company had been formed, the members of which were to participate in a mock auction and offer high bids for carloads of chickens in order to boost prices. The first witness was Jacob Bloom of 506 East 75 Street. He said most of the poultry coming to this city was overfed and the consumer had to pay the cost in the end. It was brought out that when a retailer bought 25,000 pounds of chickens in a week he usually got about 700 pounds of gravel and water which was clear loss to him and all profit for the wholesaler. Bloom said the price was not determined, although the poultry might have been sold earlier. According to the witness the middleman bought the chickens from dealers at the railroad tracks at an indefinite price. Later the leading dealers determined the price and in this manner, knowing the actual price he would have to pay the dealers. "Then as a matter of fact", inquired Dillon, "you men had to act as hold-up men or swindlers upon the public in order to make up the difference". "Well, I suppose so," was the reply, which was received with smiles. The witness also said most of the chickens sold here were crop-bound and not in fit condition for consumption.

According to Nathan Newman of 796 Southern Boulevard, there had been a great shrinkage in the weight of the poultry he had purchased, amounting to a loss of 1,500 pounds out of a purchase of 21,000 pounds. The name of Harry Baff, head of the firm of S. Baff and Company, was mentioned frequently by witnesses, one of whom declared Baff had relatives among the chicken inspectors at the cars in Jersey City. Baff, who was present, objected to some of the

[illegible]

[illegible]

[illegible]

testimony and was finally compelled to leave the room. (May 1[illegible], 1916, New York Times page 7, col. 3)

Nathan Mentzis of 160 Avenue [illegible] said he had been approached by Harry Daff who asked him to create a fictitious market value. Mentzis testified he was to get $100 for his work but that he failed and did not get the money. The investigation was to be resumed.

This is a statement of James J. Hartigan, Commissioner of Weights and Measures of New York, on the live poultry situation in this city.

"It is apparent that the rigid attention given to the live poultry situation from an official source has had its effect upon shippers of live poultry and upon those engaged in the trade in New York City. The cooperation which has been given to the Commissioner and his inspectional system by members of the trade, both wholesale and retail, is evidence that progressive improvement can be accomplished through cohesive action upon the part of an official and those directly concerned in a business out of which they are making a living.

"Some abuses remain. I take this occasion to serve notice upon shippers and car men (the operators of the railroad cars in which live poultry is shipped) that the practice of abnormal watering of poultry immediately before unloading shall stop. Humane treatment of the birds can be applied by watering the poultry from three to four hours before unloading. This watering should take place, not at the receiving terminals in New York City but at the point of destination of railroad terminals in New Jersey and Staten Island, provided, of course, the cars are to be unloaded in New York City for delivery within three or four hours.

"Another practice which has been called to my attention is that of feeding poultry at a traveling distance of from eight to twelve hours from New York City after the birds have been voraciously hungry, with natural and honest feed mixed with some ingredient which whets the appetite, but when these birds reach New York City and are unloaded and offered for sale by receivers and retailers and they are in condition to be replenished with feed, they are in no condition to eat.

"Their desire for feed has been destroyed by the mysterious substance which has been given to the birds at points like Buffalo and Pittsburgh.

"As a whole, the live poultry market situation has improved.

"The prospects for future business are good. The trade is becoming so important in New York City that special attention should be given to it for it's building up along better economic and physical lines by the trade itself and public authorities."

Rackets ring in Kosher Meat
Continues-Retail Butchers Ask
District Attorney to Investigate

District Attorney Swann was asked by the Federation of Hebrew Retail Kosher Butchers to start an investigation into the recent advances from 17 cents to 35 cents a pound in the price of live poultry.

The members asserted that the New York Live Poultry men's Association, which they termed trust, has arbitrarily boosted prices, giving as a reason the then threatened railroad strike.

The District Attorney gave the Association a time to prove that an impending strike gave them a legal right to raise prices. Otherwise the cases would be presented to the Grand Jury. (New York Times, September 17, 1916)

Due to the informal investigation and because of the 160 carloads of fowl held up by the wholesalers in order to raise prices, District Attorney Swann threatened to bring criminal proceedings against dealers in foodstuffs who took advantage of the crisis in the railway situation to put up prices for the necessities of life.

The Federal inspectors have found that dealers throughout the city have increased their prices for food without justification.

He has directed the dealers to appear before him to explain why they held 160 carloads of live poultry.

"A combination of wholesale slaughterers and distributors of poultry have evidently entered into a conspiracy which is punishable under the State Anti-trust law," he said.

At the same time that food prices were soaring there were rumors that dealers in other commodities were planning to reap rich profits as a result of the threatened strike. Even tugboat owners operating around this city have combined to boost towing prices 300 per cent. Authorities on food prices predicted that even if the railroad strike was averted, New York would have to pay more for what it eats for some time. Every hour that the partial embargoes of the railroads were in effect would diminish local supplies so much, and dealers had already proved their intention of taking every advantage of the situation.

Evidently the psychology of price lifting on the part of conscienceless receivers and distributors has become an epidemic. There is absolutely no justification for price boosting.

Live poultry was sold in West Washington Market at 24 cents a pound and 28 cents for broilers. These unheard of figures dight

be termed famine prices. The Mayor's committee on National Defense is prepared to lend every aid toward solving the food supply problem in the unlikely event that the strike occurred.

District Attorney Swann's Stern Attitude Regarding Excess Profiteering Prompted the Wholesalers to Action. Accusing the Western Shippers of Exorbitant Price Exactions (New York Times, Sept. 4, 1916, page 4, Col. 1)

Fifty representatives of the Live Poultrymen's Association whom the retail butchers accuse of having advanced the price of chickens in anticipation of the threatened tie-up of the railroads, called on District Attorney Swann and Dealing in an immediate charge of an inquiry into the situation, and declared that the western shippers alone were responsible for the increase.

They told Mr. Dealing that one man in West Washington Market who styled himself the agent of the shippers, dominated the poultry business in the city and fixed prices.

They asked the aid of the prosecutor in protecting their interests and promised to help in any way he could suggest.

First Attempt Towards the Establishment of Municipally-Owned Public Slaughterhouses (Jan. 17, 1917, New York Produce Review Col. 3, page 432)

A bill has been introduced in the Assembly of the New York Legislature by Mr. Perlman of New York, seeking to amend Sections 47, 151, 1, and 171, and adding a new Section 183-a to the Greater New York Charter. These changes will authorize the Board of Aldermen to acquire and establish public slaughterhouses for poultry in New York City.

In the meantime the Raff murder case is being vigorously prosecuted, as Grand Jury acts promptly on "go-between's" evidence involving poultry men.

Six men, all of them connected with the poultry business in this city, were arrested by detectives from Police Headquarters and the District Attorney's office on the charge of conspiring to bring about the murder of Barnard Raff, a West Washington Market poultry dealer, who was shot in front of his stand on November 24, 1914. The men were indicted for murder in the first degree through the testimony of Antonio Cardinale, suspected of being a go-between in the murder plot.

The prisoners are Joseph and Jacob Cohen, employers of chicken "pullers", who unload crates of chickens from freight cars;

Abe Graff, a member of Charles Werner, Inc., poultry dealers, of 406-408 East 106th Street, and a brother-in-law of the Cohens; William Simon, a member of the firm of Simon and Cohen, poultry dealers in East 110th Street; and Joe Rosenstein, known also as "Chicken Joe," a chicken puller and "strong arm man."

The testimony which Cardinale gave before the Grand Jury has been corroborated in essential details, and it is understood that District Attorney Swann is seeking evidence against other men who are supposed to have supplied most of the money to hire the gunmen. Frank Ferrera, who drove an auto in which the murderers rode, and Giuseppi Archiello, one of the gunmen, have been convicted already.

Five of the men arrested, it was said, composed a sort of "board of strategy" and collected money for the murder, hired the gunmen, and held meetings to arrange other details. One, at least, of them is known to have contributed to the murder fund. The sixth man, Joe Rosenstein, is said to have been present at the murder.

Graff, according to the testimony, was the "bagman". It was he, according to Cardinale, who collected the fund of about $1,500 from Daff's business rivals to have him put out of the way. Joseph Cohen is alleged to have helped Graff with the money matters.

Cardinale, needed as a witness, not so much to furnish new information as to corroborate important details in the story already known to the District Attorney's office, fled to Italy after the crime and enlisted in the army. Assistant District Attorney William Harman Black was sent to Italy last summer, and obtained permission from the Italian Government to bring Cardinale here as a witness.

Mindful of the fate of Ippolito Greco, formerly his partner in the saloon business, who was murdered in his saloon because of what he knew of the Daff murder, Cardinale was reluctant to testify. It was only when names of many of his close friends were mentioned as suspects that he was induced to name the men who, he said, really were the principals.

The plan to kill Daff, the evidence shows, originated more than a year and a half before his death and numerous attempts to take his life were made before the plot was carried out. The Grand Jury proceedings which resulted in the six indictments were carried on with great secrecy. A night meeting was held to complete the lacking of evidence. In the meantime the men under suspicion were watched by detectives from the District Attorney's office, so that they could not get away.

While the Grand Jury proceedings, which resulted in six indictments in the Daff case, were carried on with great secrecy, new troubles appeared on the horizon of the stormy poultry industry. (February 28, 1917, New York Morning Journal, page 1, col. 6)

Boycott of Victual,
Chicken Dealers, etc.
Against the Washington
Market Receiver

The five hundred retail poultry dealers and the twenty-six wholesalers of the East-Side had a meeting at 214 Second Street. A decision was passed to declare a strike against the "receivers" at West Washington Market and to keep the stores closed.

The strike was started. A committee of 150 poultry dealers met early at 513 Water Street, and smaller committees were dispatched from there to picket each poultry market on the East-Side.

The retailers explain that this strike is wholly for the benefit of the Jewish housewives. The retailers assert that the only way to break the high price for chickens is not to eat chickens for a few weeks.

No chickens could be obtained on the East-Side, due to the fact that the housewives declared a strike. The prohibitive prices of chickens had caused the strike and boycott. Recently the price for poultry was as high as 30-32 cents per pound.

According to statements made by retailers and wholesalers, there is no reason why poultry should cost more than 17 or 18 cents a pound, since there is no scarcity of chickens and the West Washington Market is crowded with poultry. Tens of carloads of poultry are stationed at Buffalo, Chicago, and other points where they are being kept by speculators so as to make extra tens of thousands of dollars profit.

A committee of housewives appeared before Rabbi Dain Rabinowitz of the "Ohev Sholom" (Tabernacle of Peace) Synagogue at Thatford Avenue, Brownsville, East New York, asking him to instruct all shochtim of the East-side not to slaughter any fowl and so to help the boycott. Rabbi Rabinowitz, who lives at 541 Stone Avenue, consulted Rabbi S. J. Halevi Finkelstein, who is Rabbi of the synagogue "Etz Chaim" (Tree of Life) at Stone Avenue, and both Rabbis issued a call to all shochtim to appear at a meeting at Stone Avenue, Talmud Torah, where the whole question was discussed and the shochtim made their decision.

A whole afternoon was spent at a meeting in the Hester Street School Building, where the rise of prices was discussed. The meeting was called by the United Jewish Trades, the International Ladies' Garment Workers, the Amalgamated Clothing Workers and other organizations, representing 180 societies, through their three hundred delegates. This conference decided to elect a committee of twenty-five members who will organize the housewives of the whole of New York and demand the City authorities to take radical measures against

the dearth. The committee of "Twenty-five" had its first meeting at 175 East Broadway.

Another stormy meeting was held at "Clinton Hall" at 151 Clinton Street. The meeting was under the auspices of the East Side Grocers' Association. The purpose was to prove to the housewives of the poor neighborhood that it is not the small grocer who is responsible for the rise of prices. The idea was to have a heart-to-heart talk with the consumers. The majority were in favor of a boycott on onions and potatoes.

Brownsville Declares Itself in Sympathy
With Consumers' Strike Against High Prices.
Indication of Price Running Down Due to Boycott

The boycott declared by chicken dealers, fish mongers and grocers was in full swing. The grocers and pushcarts have no onions and potatoes, the fishstores no fish, and for no money could a chicken be obtained. The East-side business people proved that they knew how to keep their promises. Housewives' committees picketed the stores from early in the morning.

All the shochtim of Brownsville, in East New York (a total number of 55) declared a strike in sympathy with the consumers, and they will stop slaughtering fowl as long as the prices do not reach the normal level. This decision was reached at a meeting at Stone Avenue Talmud Torah. Rabbi Finkelstein addressed the meeting.

This unusual condition caused the industry to suffer the most serious tie-up in the live poultry trade ever experienced. Women in Brownsville, Brooklyn, Bronx, and New York began a systematic boycott on the smaller butcher shops, refusing to buy any poultry, and anyone bold enough to purchase a fowl was surrounded and the bird taken, torn to pieces and thrown away. The smaller butchers were practically put out of business and the slaughterhouses generally compelled to close up, causing a complete tie-up. There were 50 cars standing on tracks, loaded, with four or five cars on receivers stands. There were 73 cars on track and not a car unloaded, with the market in a completely demoralized condition. (Feb. 26, 1917, New York Produce Review)

As a cure, assistant District Attorney Markewich in charge of District Attorney Swann's food inquiry announced his intention of appearing before the Interstate Commerce Commission and asking that body to issue an order forbidding speculators and wholesale dealers from keeping live poultry in railroad cars for any greater time than twenty-four hours. A number of speculators or wholesalers are able to create an artificial shortage by refusing to unload their carloads when the prices are low, Mr. Markewich said. Even though demurrage rates are high, they willingly pay the amount charged by the railroads for holding their cars on the tracks. It was learned that in

[illegible] a statement to the Board of Health of the [illegible] [illegible] from thirty carloads of chickens being held [illegible]

one instance fifty-five carloads of poultry were held until the price had reached high figures. He added that he had received a delegation of retail poultry dealers who indorsed his plan to seek help from the Interstate Commerce Commission. They told him it was impossible for them to realize any profit, so high were the prices charged by wholesale dealers. Assistant District Attorney [illegible] questioned several produce dealers concerning the potato and onion shortage. Harry [illegible]allery, of Oregan and [illegible]allery, 137 Reade Street, said the market was flooded with onions.

Chicken Men Offer Cut Rates,
and Try In Vain to Get East
Side Women To Let Up

The 5,000 members of the Federation of Hebrew Grocer's Association have been advised by their executive committee to close 6,000 retail grocery stores which they operate unless the housewives, now boycotting certain foodstuffs, are forced to change their tactics. The committee wished Mayor Mitchel to give them better police protection.

The grocers charged that the pickets of the housewives on the East Side, Bronx, and Brownsville, have insisted on "inspecting" the market baskets of their customers and scattering the contents in a search for boycotted foodstuffs. One of the delivery boys had been attacked and escaped only by shedding his coat, which he never recovered.

Reporting to the board of managers of New York for improving the conditions of the poor, Mr. Bailey Burritt said as a result of an investigation he was convinced that the retail dealers had not taken advantage of the situation for their own profit. He said they were doing business on a smaller margin than usual, and in many cases had lost their usual profit, rather than raise prices.

That the boycott against chickens has been successful was attested by the fact that 97 cars of live chickens, 20,000 pounds a car, were left over from some time ago, and there would be almost 100 cars of chickens on tracks, above demand. The retail price when the boycott began was 24 and 26 cents wholesale and 28 and 30 cents retail. The dealers argued that they were making a great sacrifice and that their motives were not at all selfish. Commissioner Hartigan referred the committee to Mrs. Jacob Rankin, head of the Mothers' Anti-High Price League, and they advised her to agree to the dealers' offer and call off the boycott. He pointed out to her that soup meat was selling at 25 cents a pound, veal at 27 cents a pound, chucks at 23 cents, and that chickens at 22 were considerably cheaper. But Mrs. Rankin would not yield. She said she believed the dealers were merely trying to sell off their surplus, and when sold prices would go up, and insisted the boycott would continue. Persons living near

the railroads complained to the Board of Health of the odors emanating from thirty carload of chickens being held there. The complaint said that the chickens had been in the yard for five days and that hundreds of them had died, the bodies being thrown about promiscuously.

Commissioner Hartigan received more than a score of telegrams from agricultural authorities in all parts of the country telling of available food supplies. One middle Atlantic State had 10,000 cars of potatoes at $9.00 a barrel and 20,000 at $10.00. A western State offered potatoes in carload lots at six cents per pound and onions at eleven cents. There were many similar offers. This shows what can be done in a crisis if there is a central power. It also shows that New York is in no danger of starvation. He quoted current prices to show that necessities were declining. Onions were offered at $6.00 to $7.00 a hundred pound bag - some time ago they were $14 to $18. Potatoes sold for $9 to $10 for a hundred pound bag; some time ago they were $15 and $14 wholesale. Commissioner said that beef prices were generally one to one and one-half cent a pound off. In a few days the sugar situation would be better. Eggs had a drop of four cents with prediction of another drop to forty cents.

The lack of demand for potatoes and onions presages a larger drop. It was freely predicted by dealers in all parts of the city that if the housewives' boycott kept up much longer lower prices were near.

Fight to a Finish, Declare Contending Parties to the Poultry Boycott (New York Times, March 23, 1917, page 5, col. 1)

The poultry boycott declared by the slaughterhouse men against the receivers of poultry at the West Washington Market made it known that there is a fight to a finish.

The fight is between some 6,000 independent operators and one man, Harry Baff, the son and business successor of Barnard Baff who was shot and killed in the market in the fall of 1914 after he had fought his way through bitter competition to a position of power. The police theory of the murder has always been that the death of Baff was inspired by some of his business enemies, and while the investigation that followed was going on Harry Baff defiantly made this charge and announced that he would carry on his father's business without yielding to any hostile pressure. Two men alleged to have been hired to commit the crime are now in the death house at Sing Sing awaiting execution, and six others, charged with having dealt directly with the slayers, are under indictment for murder.

Practically all of the poultry consumed by Jewish families here arrives from western shippers at the West Washington Market, where men known as "track buyers" and "receivers" acquire large

quantities of it by buying it from commission men in the market who represent the shippers, or by buying it direct from the shippers themselves. These "track buyers" then resell their poultry to dealers and slaughterhouse men who supply the retail trade.

The situation was made acute by Harry Haff's operations, for not only is he a receiver, but he also owns four large retail stores and controls the policy of several others, owned by men allied with him. While the mass of dealers have closed their stores and slaughterhouses, Harry Haff has been buying nearly all of the poultry in sight and selling it at retail in his retail stores and those of his associates.

According to reports from the market, he bought three carloads of poultry at 26 cents a pound and a larger quantity at 28 cents a pound, being practically the only buyer, and sold to consumers at 28 cents a pound through his stores in Harlem, the Bronx, Brownsville, Brooklyn. His allies also sold at this price through their stores, while the dealers maintaining the boycott, declaring that they could not pay Haff's wholesale prices and meet this retail figure, did practically no business.

One result of this situation was disorder about some of the stores controlled by Haff. Women sympathizing with the boycotts, surrounded the stores and uttered threats that, in some instances, caused the proprietors to close up.

The condition of the market as seen by "The Producers' Price Current" seemed favorable for the dealers. It was described as follows:

The market is pretty nearly tied up with 80 or 90 percent of the slaughterhouses closed and nearly all retail shops in all parts of Greater New York. The five cars have gradually worked out, going largely out of town, though a few were taken by regular dealers. Sales reported have generally been at 24 cents for fowls, but there were some offering a shade lower. The outlook is very uncertain for the balance of the week. Considerable quantities of poultry were to come shortly, on which, unless the boycotting and strikes would end, prices would naturally be considerably lower. Very little poultry, other than fowls in the cars, were being put out on about the same basis as normally.

Haff Murderers to Die

On April 16, Antonio Impolazzio and Patricia Van Corpet were to die.

Dr. Bernard Glueck, the psychiatrist, experimenting on inmates with funds supplied by John D. Rockefeller, has been obliged to close

his observation ward in the hospital building to make way for the prison school, which has just been reestablished. Mental examinations are made by Dr. Glueck still, but patients being observed stay in their cells instead of spending two weeks in the special hospital ward as formerly.

While the murderers in the Baff case are being prepared for the electric chair, the five indicted poultry men have been found guilty for the second time. (New York Times, April 13, 1917)

The indictments charging violations of the Donnelly Anti-Trust Act which were filed against the five directors of the Harlem and Bronx Live Poultry Association were dismissed by Judge Quinlan, who held that an examination of the Grand Jury proceedings failed to show any legal proof that would support the allegations in the indictments. It was charged that the five men organized the association to create a monopoly in the live poultry trade of this city.

This is the second time that the cases against the defendants have been thrown out of court.

Another Man Wanted For the Baff Murder, Arrested

Trapped in a car where he was working as a cleaner, Jack Rizotta, wanted in New York for the murder of Barnard Baff, a millionaire poultry dealer, on November 24, 1914, was arrested.

His brother Ben, wanted on the same charges, ran when he saw the officers and escaped. Many shots were exchanged between the escaping man and the police. (May 28, 1917 - New York Times)

Carmin Di Nole, an important witness for the State at the approaching trial of the five men indicted for complicity in the murder of Barnard Baff, the West Washington Market poultry king who was killed on November 24, 1914, escaped early morning from the house of detention on the twelfth floor of 45 Lafayette Street. According to keepers Lorcey and Grier, the fugitive received permission to wash his hands and when he did not return they found he had vanished. An investigation disclosed that Di Nole had pried the grating loose from the wash room window and made his way to freedom by way of the fire escape. He used a painters ladder in climbing over the fence in the yard. The police were notified and an alarm was immediately sent out for the missing man. Di Nole was arrested on February 11, 1916 and committed as a material witness by Judge Rosalsky in General Sessions. He was an eye witness of Baff's murder and appeared for the State at the trial of Giuseppe Archiallo, now in the death house at Sing Sing for participation in the killing.

Justice Tompkins Calls New Baff Grand Jury

An extraordinary Grand Jury was impaneled by Justice Tompkins to consider the evidence which Deputy Attorneys General Alfred Becker and James O'Malley have been collecting in their investigation of the murder of Bernard Baff. Neither Mr. Becker nor Mr. O'Malley was willing to discuss the nature of the evidence. Addressing the jury, Justice Tompkins said, "I have been informed by the Attorney General that your work will be of the greatest importance to the community. It is our sworn duty to file indictments against those accused, no matter how high their position or their standing in the community, provided the evidence justifies such indictments. The Grand Jury will begin its work; 261 witnesses have been subpoenaed."

Complaint had been made to the Governor that the District Attorney's office was delaying the trials of the men already under indictment. (New York Times - Page 6, Col. 4, - 1917)

Four More On Trial For Baff Murder.

Ten jurors were selected out of a panel of 42 talesmen to try Joseph and Jacob Cohen, David Jacobs and Abe Kraff, on the charge of instigating the murder of Bernard Baff.

The four defendants and Jesse Rosenstein, known as "Chicken Joe" who was indicted with them, were rival dealers and are accused of having hired the Italian gunmen who actually did the shooting.

Rosenstein pleaded guilty to manslaughter and is expected to be an important witness for the State. Other witnesses who are counted on by the prosecution are: Antonio Cardinale, who is alleged to be the man who hired the gunmen for the persons who wanted Baff put out of the way; Frank Ferrara, driver of the car in which the killers escaped, convicted in February 1916 and now in the death house at Sing Sing; and Guiseppe Carchiello, also in the death house, who was found guilty of having done the actual shooting.

Governor Whitman relieved District Attorney Swann of the work of prosecution and assigned Deputy Attorney General Alfred L. Becker to the case, assisted by Deputy Attorney General James O'Malley who as assistant District Attorney conducted the prosecution of the gunmen who did the killing, and by assistant District Attorney Geo. Bros. who was assigned to aid the prosecution by Mr. Swann.

Frank Moss, former assistant District Attorney, is chief counsel for the defense, assisted by Alfred Gilchrist and Harry Cope. One of the questions which he asked the talesmen as they were examined was whether they would be influenced to vote for conviction if it should be brought out that certain persons holding high official positions were interested in getting a conviction. None

of them admitted that this would affect their verdict. The principal factor in the delay was Mr. O'Malley's inquiry as to possible objections to capital punishment and as to whether they would accept testimony given by accomplices who turned State's evidence.

The first juror and foreman was chosen after eleven talesmen had been rejected. He was Thos. H. Elliott, an importer of 114 E. 16 Street, who lives at 320 W. 111th Street. The other jurors selected were Wm. Sherwood, roofer, 170 E. 97th Street; F. Lewis Dusson, clerk, 261 W. 81st Street; Richard C. Hassell, secretary, 281 W. 119th Street; Chas. B. Pierre, Real Estate Dealer, 3802 Broadway; Leister J. Grace, cashier, 1377 Broadway; Hy. F. Jenkins, Real Estate Dealer, 2610-6th Avenue; Everitt Jackson, auditor, in E. 57th Street; Jas. J. Crotty, clerk, 24 E. 104th Street; and Chas. A. Kross, clerk, of 7 W. 126th Street.

An additional venire of 75 talesmen has been ordered to report. (New York Times - June 26, 1917)

Antonio Cardinale, the Harlem chicken dealer and self-confessed gunman who was brought from Italy to supply the link of evidence that would connect the actual procurers with the murder of Bernard Baff, took the stand before Justice Tompkins in the Criminal Branch of the Supreme Court and described in detail the series of plots which finally culminated in the killing of Baff by a band of assassins. Two of these have already been sentenced to death for the crime. Cardinale's testimony implicated the four defendants, Joseph Cohen, Jacob Cohen, David Jacobs, and Abraham Graff, who are now on trial charged with murder in the first degree for having been instrumental, according to the indictment in bringing about the murder of Baff in the fall of 1914. Before Cardinale took the stand Deputy Attorney General O'Malley described to the jury the many attempts which were made upon the life of Bernard Baff before he was finally killed with a revolver. After the bomb failed the plotters, according to the prosecutors, had a man with a Winchester rifle stationed for three days in a loft opposite the Baff market. The assassin had explicit directions to shoot Baff on sight but his only means of identifying his victim was a photograph which the conspirators furnished. The assassin remained in the loft for three days and was finally dismissed because he had failed to make good. At one time, said Mr. O'Malley, the defendant on trial here talked over the plan of putting poison in the milk bottles delivered at the Baff home. This, after discussion, was discarded as being too dangerous and too likely to bring about the death of everybody in the family. Then the plotters conceived the idea of shooting Baff from a distance. Mr. O'Malley said the State would prove that the Baff plot was inspired by rivalry between poultry dealers in the East Bronx Bronx market and had its inception fully 18 months before Baff was killed. He spoke of the previous Baff trials in which Giuseppe Archielle and Frank Ferrara were convicted and of Cardinale's flight to Italy. The

[illegible] by evil [illegible] to induce Zerro to set fire to the [illegible] prosecutor admitted that Cardinale had been loaned by the Italian Government as a witness and for turning States evidence would not be prosecuted here for complicity in the crime. When Cardinale took the stand he testified that the defendants, being all in the chicken business in the West Washington Market, suffered intensely from the competitive methods which Raff pursued. By feeding his chickens with sand and gravel, the witness said, Raff was able to increase their weight to such extent that he could afford to sell them at 16½¢ and 17½¢ a pound whereas other dealers, unless they did the same thing, could not possibly sell below 18 and 19 cents a pound and make any profit. Joseph Cohen said Raff was the worst crook in the business. Cardinale testified he said it was impossible to exist with him. Cardinale first met Joseph Cohen early in the summer of 1913 when they discussed the boycott on poultry and the ruinous methods of competition adopted by Raff.

Cardinale at that time was in the chicken business himself, having a market with his brother-in-law Joe DeCampo in West 110th Street. He found himself unable to make the business go and inasmuch as DeCampo was eager to give it up, Cardinale was persuaded by Cohen to receive into partnership David Jacobs, Cohen's brother-in-law and one of the defendants. Prior to the beginning of the new partnership Cohen, according to the witness, had already conceived the plan of putting a bomb under Raff's house at Arvone. Cohen was willing to pay $200, the witness said, if the job could be done right, and Cardinale promised to direct the undertaking with $35 which he said he got from Cohen. Cardinale made all the necessary arrangements. For $10 he purchased a good sized bomb at the saloon of Ippolite Greco, one of the gunmen in the Raff conspiracy, who has since died; and for the remaining $25, Cardinale hired Joe Zerro, an automobile driver, to place the bomb outside of Raff's home. Zerro was accompanied on this trip by two gunmen, Tony Minne and Frank Burt. On the following day the three gunmen encountered Joseph Cohen in a saloon and demanded $200, which Cardinale said he promised to pay for the job. But Cohen, according to Cardinale, refused to pay the money because he had seen nothing in the paper about the destruction of Raff's home. Cardinale said they then showed him a morning newspaper containing a short story of a bomb being found outside of the poultry merchant's house. It had failed to explode. When Joseph Cohen saw what was in the paper, the witness testified he said it was a bum job because the bomb did not go off. Cardinale testified that Cohen refused to pay the entire $200, but did pay $100. The bomb plot having failed, Cardinale said Cohen thought it would be a good idea to try to scare Raff out of business by sending him a black hand letter. Cardinale thereupon arranged to have it sent. He said he had Joe Zerro write the letter, after which he showed it to Joseph Cohen, who disapproved of it and finally decided that it should not be used. Cardinale also testified that an effort was

[illegible] Cohen, [illegible] Raff [illegible]

made by David Jacobs to induce Carro to set fire to the market of a man named Newmark who was one of Raff's friends and associates in business. Jacobs, according to Cardinale, offered $100 for the job, but Carro declined because Cohen had failed to make good on his previous promise.

Before Cardinale was called to the stand the necessary testimony establishing the actual death of Bernard Raff at the hands of assassins was given by Patrolman Dan Sullivan, Isidore Platt, Samuel Platt, Harry Raff, the dead man's son, and Abe Lowenstein. All of them arrived on the scene of the shooting immediately after Raff was killed. Lowenstein said he saw two men running and started in pursuit but one of them, whom he identified as Moses Rosenstein, the turned State's evidence, got in his way at Thompson and Thirteenth Street. Later he said he saw Joseph Cohen on the street near the scene of the shooting. Rosenstein was also referred to at great length in Mr. O'Malley's opening. The prosecutor maintained that Abraham Graff, one of the defendants, had advised Cardinale to have Rosenstein killed because he suspected treachery. In fear of his life, Mr. O'Malley said, Rosenstein fled to Chicago, where he was subsequently arrested. At the opening of the session Justice Tompkins requested from the bench that the newspapers indulge in no editorial comment on the Raff case during the course of the trial because of the prejudicial effect such comment might have on the jury. (New York Times, June 26, 1917)

Got $1500 To Kill Raff Gunman Says After Renewed Grilling.

The repeated attempts made upon the life of Bernard Raff before he was finally killed in front of his poultry stand in the East Washington Market were described in detail by Antonio Cardinale, the gunman, when he resumed the stand before Justice Tompkins in the Criminal Branch of the Supreme Court to testify against the four chicken dealers, Jacob Cohen, Joseph Cohen, David Jacobs and Abraham Graff, who are charged with plotting and procuring the murder of Raff. Throughout his recital Cardinale appeared to be a willing witness until an attempt was made by District Attorney General O'Malley to obtain from him some information as to where he was accustomed to meet the gunmen whom he said he had hired to kill Raff. When he was asked to locate the place where he encountered the gunmen after Raff had been killed he refused to answer. Justice Tompkins pressed him but the witness shook his head and exclaimed time and time again, "I refuse to answer that question."

Before deciding to kill Raff, the witness declared, the defendants tried various methods of scaring their rivals out of business. Cardinale said they hired Ippolito Greco, the Harlem gunman, now dead, to burn the market of one of Raff's customers, a man by the name of Newmark, thinking that it would damage Raff's business. Greco, according to Cardinale, did the job for $800, but Raff kept right

on doing business as though nothing had happened. Cardinale also testified that Joseph Cohen conceived the plan of poisoning the horses which Daff kept in a market at 417 East 110th Street. Joseph Cohen said he would give $15 for every horse poisoned, the witness declared, "and when I told Cohen that Greco didn't have any poison he sent me to Abe Graff to get a bottle. Then Graff gave it to me he said, 'I wish I could put a teaspoonful in Daff's coffee'. I gave the poison to Ippolito Greco, who told me he gave it to one of Daff's horses. Louis Cohen told me one of the horses died when it came to devising ways of killing Daff." Cardinale said the difficulty presented itself of finding men who would be willing to commit the murder in such a public place as the East Washington Market. "At the second talk I had with Cohen about killing Daff," the witness testified, "he said, 'Tony, I know there are some good boys in Harlem. Speak to them.' 'There are some good fellows who'll take a job to kill Daff," I said, "I don't know anything about them. All I can do is to speak to Ippolito Greco. Joe Cohen said he would give $500 for the job." It was Greco, according to Cardinale, who thought that it would be a good plan to put poison in the milk delivered to Daff's home, but Cohen turned this proposition down because he did not want to "get" any other member of the family, but Daff himself. Greco and Cardinale finally succeeded in hiring Russo and Dibaolo to do the job. Russo was very thin, according to the witness; Dibaolo, fat. "I told him the boys were too young," said Cardinale, "but he said he would give them some cocaine to snuff and after a few sniffs they would do anything. The boys, however, failed to make good on the job and Greco had them replaced with Tony and Joseph Daffarene, brothers, who have since been indicted as parties to the murder plot. It was found so difficult however to accomplish the murder from the street that the conspirators, according to Cardinale, decided to have Daff shot from a loft opposite his shop where a man armed with a Winchester rifle could work from ambush. Cardinale said he purchased the rifle with a silencer attached and a box of cartridges for $20.50. They got a gunman to hide in the loft of Charlie Hawks' chicken market, directly across the street from Daff's establishment, but too many persons came up and down the stairs and the gunman declined to work from that position. According to Cardinale, one of the defendants, Abe Graff, then put the man in the loft of another market, Charlie Warner's, where Graff himself conducted a poultry business and where he could keep a watch on every one who came and went. Cardinale said Graff had a hole three inches wide dug through the wall, through which the gunman could push his rifle and observe the street. Before the gunman took his position, Cardinale said Graff fired several shots at a post in the wall to see that the rifle would do its work. The gunman kept watch from the loft for several days during which time Graff, according to the witness, used to send a colored man up to him with sandwiches. Cardinale said he was afraid that the colored man might get wise and he told Graff so. But Graff said, declared the witness, that the colored man didn't know anything and was a good fellow anyway. He said he had got him out of prison. Graff

told the colored man that he had drilled a hole in the wall to see where a certain man was buying his chickens. The gunman finally gave up his post, saying that he was tired of waiting for Baff to pass and that he had not seen him pass in all the time that he was in the loft. The gunman said he would come down in an auto with a companion and look over the ground to see whether it could not be done from the street. Cardinale spoke of this plan to Graff and the latter, according to the witness, approved of it, and urged the gunman not to be afraid. Several meetings followed in Greco's saloon and it was decided that the murder should be committed from the street on November 24 during Thanksgiving week when the crowds in the market make it easy for the murderers to escape detection. On the day of the killing, Cardinale said he went down to Graff's place in the morning and told him the job was to be done in the afternoon. Graff, according to Cardinale, told him he would have everything ready. Joe Cohen and the other defendants, the witness said, were warned to keep away from the scene. In the afternoon the gunmen arrived but they were unable to proceed with their work at once because detectives were discovered buying turkeys in the vicinity. After the coast was clear, Graff, according to Cardinale, said he would call Baff out to answer a telephone call, thus bringing him within range of the assassins. Cardinale then disappeared into a nearby chicken market and had nothing more to do with the job until after it was all over. He heard several shots and later he said he joined Graff and chicken Joe Rosenstein in a side street. Chicken Joe, according to the witness, was in a rage because Baff had only been shot in the shoulder. He did not think the job was well done. After the shooting, Cardinale and Chicken Joe went to Graff's place. Each one took a turkey to disarm suspicion and walked out of the market without attracting any attention. Cardinale told of the difficulty he had had in making the conspirators pay the money which they promised for the murder. Finally, according to Cardinale, Graff gave $500 to Greco, who in turn passed it over to the gunmen. After several weeks under the stress of repeated threats from the gunmen to make trouble, Cardinale said Cohen sent Graff with $1,000 to the corner of Lenox Avenue and 142nd Street, where Graff gave the money to the gunmen. For his own services in the conspiracy Cardinale said he received a series of remunerations from Cohen, as well as assistance in establishing, with Cohen's backing, a chicken market in Brooklyn.

Justice on Bench Defied by Cardinale.

Cardinale, testified in the Criminal Branch of the Supreme Court that Giuseppe Archiello who is in the death house at Sing Sing on his own confession that he fired the shot that killed Barnet Baff not only did not kill Baff but does not know who did. Cardinale defied the lawyers of the State and of the defense and Justice Tomplins to reveal the names of two gunmen who he said did kill the "Poultry King" in 1914. It was on the testimony of Archiello that the District Attorney's Office built up a case against four gunmen he implicated. Cardinale is safe from trial in this country for the part he admits in the killing of Baff. He is lent to the United States by Italy as a witness and he must be sent back there when he is through testifying. He said the reason he came over to testify against Jacob and Joe Cohen and the other poultry dealers accused of conspiring to kill Baff was that he wanted to put the blame where it belonged. He said that he couldn't keep it on his conscience. Then when he was asked if he couldn't make his conscience let him reveal the names of the two men who did the shooting he said his conscience told him not to do that because he had gotten the two into enough trouble by hiring them to kill Baff. The squat little Italian had his own way in court. Frank Moss, counsel for the defendants, hammered at him for two hours to find out more than the witness wanted to tell but he always met the same answer. "I refuse to answer about that." The tantalizing way Cardinale refused to implicate men who had been friends of his in lawlessness here had Justice Tompkins to ask Cardinale why he wouldn't reveal the identity of the men who did the shooting. Although he was willing to try to send to the chair the men accused of hiring them, he answered he couldn't tell. It has been established that most of those whose names Cardinale refused to give are Italians and the defendants are all Jews. This led Mr. Moss to ask Cardinale if he wasn't after hanging the Jews and freeing the Italians. Incidentally it was announced by Deputy Att'y. Gen'l. O'Malley that a new trial for Archiello had been made based largely upon an affidavit by Cardinale. Cardinale insisted time and again that the Cohen brothers, David Jacobs and Abraham Graff, the defendants had engineered the murder and had them send him to Italy. He also put a lot of the blame upon Ippolito Greco, a Harlem gunman who was murdered soon after Baff was killed. Cardinale said that Graff had once told him after the murder of Baff that chicken Moe Rosenstein had told too much and that he should be put out of the way, and intimated that the job was worth $500. Cardinale said he refused the job. The witness said that when it was suggested that he go to Italy Joe Cohen promised to pay his wife $5 a week while he was gone. Cardinale testified that he went to Italy in August 1914 and served 14 months as a drillmaster to the Italian Army. He was arrested on May 17, 1916 and kept in jail until November 8, 1916, when he sailed for the United States in the custody of two Italian officers. Cardinale said he had been in the poultry business here and had suffered through Baff. He said that Cohen had helped him finance his poultry business. Asked if he felt aggrieved against Baff and his associates, he said he did. Mr. Moss on the cross examination of the

witness asked, "You went to Italy to get away from this murder, didn't you?" "No sir, I went to serve my country", was the reply. Cardinale told in great detail of the attempt to kill Baff with a bomb. He said the bomb had been taken from Greco's saloon by men in an auto. Joseph Martino was then called and said he had a taxicab stand at 125th Street and Lenox Avenue and had been engaged by Frank Burke and 4 other men who took a package with them to Brooklyn. This was the bomb that didn't explode when placed for Baff. Cardinale admitted his part in setting fire to Newmarks poultry store because to burn it would hurt Baff's business. He said Joe Cohen had had a part in it. "Now didn't you just throw in Joe Cohen's name?" asked Mr. Moss to make good the hanging of the Jews in this case. "No sir", was the reply. Then Cardinale insisted on telling Mr. Moss that Joe Cohen had had Baff's horses poisoned. He said Graff supplied the poison and Cohen said he would give $10 for each horse poisoned. Then Cardinale said he got Greco to poison the horses. Cardinale told of so many crimes he had had a part in that Mr. Moss asked him if he had ever stolen a child. Never, replied the witness. Cardinale then said that on behalf of Cohen he approached Greco about the job of killing Baff for $500. He said he himself took the gunmen Greco supplied to West Washington Market and pointed out Baff so that he could be shot. After 6 months and 3 efforts, Greco's men had not killed Baff and Cardinale said he consented to take the job over. He said he got better men. "How did you come to take the job?" Mr. Moss asked. "Well," he said, "every time I went to the market Joe Cohen and everybody would say 'What's the matter, Tony?'" They kept on because Baff wasn't killed. Cardinale told of buying a rifle which he supplied to 2 gunmen to shoot Baff through a hole in the back of a wagon. This plan did not succeed. Then he told of the two gunmen finally "getting" Baff. He was in the market at the time but took no part in the shooting, he said. "Who were these gunmen?" asked the Justice. "I refuse to answer", was the reply. "Were they Italians?" asked Mr. Moss. Again he refused to answer. Here Mr. Kopp, associate counsel for the defense tried to make the witness reveal the names of the gunmen, who he said did the murder. The trial will be resumed at 10 o'clock this morning with Cardinale on the stand. Jacob Birnhorn of 529 East 84th Street was arrested on a warrant issued by Magistrate Krotel, accusing him of assaulting Isidor Blatt, a witness in the Baff trial. He was locked up in Police Headquarters. Both men are chicken handlers in the West Washington Market. (June 29, 1917 - New York Times)

Burke Says Association backed Baff Plots.

The prosecution introduced evidence at the trial of the poultry dealers charged with planning and procuring the murder of Barnard Baff before Justice Tompkins in the Criminal Branch of the Supreme Court that intended to show that not only the defendants Joe Cohen, Jacob Cohen, David Jacobs and Abraham Graff but an entire association of poultry dealers in West Washington Market had backed the conspiracy which culminated in the shooting of Baff. This Association according to witnesses held a series of meetings in which Baff methods were denounced and numerous suggestions were made that a way should be found of "getting rid" of him. Frank Burke who recently completed a term in

Sing Sing for receiving stolen goods and who helped to plant the bomb which was intended to destroy the summer home of Barnard Baff at Arverne, L. I. testified that after setting the bomb which failed to explode he and his accomplices Joe Barro and Tony Pino met Joe Cohen in a cafe near the market and demanded the $500 which according to Barro had been promised to them for the job. The bomb had done no damage. The association referred to by Cohen in his alleged conversation with Barro was a body of poultry dealers who met according to the testimony submitted by the prosecution for the purpose of discussing ways and means of contending with Baff and other competitors who forced down the price of poultry by overcropping or sanding their stock. Several witnesses who were present at these meetings took the stand and gave as near as they could recollect a detailed account of the hostile attitude which the members of the association held against Baff.

Elias A. Goodman, a lawyer who in 1912 had been investigating the over-cropping evil in the West Washington Market, said he attended a meeting of the association on May 27, 1913. From 70 to 80 poultry dealers were present, he said, among them Joseph Cohen and his partner, Mr. Simon. Simon, according to Goodman, made a speech in which he attacked Baff and accused him of over-cropping his poultry and ruining the business for the rest of the dealers. It was at this meeting that a woman dealer, Mrs. Fishkosen, shouted that Baff ought to be drowned. Simon himself, according to Goodman, entered into such a tirade against Baff that he, Goodman, had to call him to order and remind him that as chairman of the meeting Simon ought to refrain from such wild statements as he was making. Frank Burke testified that Carlinale acting as an agent for somebody he did not know at the time, came to him and Barro and declared that they could get $500 for placing the bomb. Burke testified that he would be paid by some millionaire in West Washington Market. According to Burke the bomb was obtained by Joe Barro. He, Barro, and Tony Pino took an auto and went out to Arverne. When they arrived in front of Baff's house they found so many persons passing in and out that they decided to put the job off until night. They placed the bomb and came back to the city. Under cross-examination by Frank Moss for the defense, Burke, when asked whether he knew that the explosion of the bomb could bring death to the inmates, replied that he knew beforehand that the bomb could cause no alarm because unknown to his accomplices, he had deliberately cut the fuse. "Then that is why it did not go off?" asked Justice Hawkins. "Exactly", replied the witness, "I was after the money, not the deed." When the time came to collect the money, however, Barro said Cohen would not pay unless he and the association had positive proof that a bomb had been set. He wanted to see something in the newspaper about it before he would hand over any money. "So I said I would see about it. I then telephoned to the city editor of the New York World and asked him whether he could give me any information with reference to the planting of a bomb at Baff's house in Long Island. He asked me to repeat my query, so I repeated. Then the city editor asked me to hold the wire until he got a better connection, because he did not hear very well. Naturally, I didn't hold the wire." His query alone, however, acting as a tip resulted the very next day in the appearance of a story about the bomb at Baff's home. Burke said Carlinale brought Cohen to their usual endeavors in the market and there Burke pre-

duced a newspaper clipping containing the bomb story. "I showed it to him", the witness testified, "and he said he had already seen it. But he said he could only give me $100 because it was a bum job. I took the $100 and Cardinale demanded of it $25 for hiring the auto and $10 for the bomb. I gave him $15, leaving me $65; from this amount I deducted $5 which I promised as a tip to the chauffeur and divided the remainder among Joe Ferro, Tony Nino and myself, each receiving $20."

Burke said he pursued Cohen for the remainder of the promised $300, but he never succeeded in getting any of it, for Cohen always told him he could not get any more money for the bomb layers. After Baff was shot, Cohen (arrested as a material witness) was placed in the cell next to Burke who happened to be charged with grand larceny and receiving stolen goods. Burke said he renewed his efforts to get $300 more for laying the bomb. "But every time I spoke of it", the witness testified, "Cohen turned the conversation to other matters." In cross-examination Mr. Moss plied Burke with searching questions as to his past. The witness admitted that he smoked opium, but most of the questions (hinging on his associations with gunmen, horse thieves, and women) he refused to answer. During the morning session Mr. Moss resumed his cross-examination of Antonio Cardinale but failed to shake the witness from his testimony given in the preceding days of the trial. (Jan. 30, 1917 - New York Times)

<u>Witness Testified He Accused Arichiello and Reno Through Fear of Detectives</u> - (July 3, 1917 N. Y. T.)

Frank Ferrara, the chauffeur who drove the Baff murder car, took the stand before Justice Tompkins in the Criminal Branch of the Supreme Court and disclosed for the first time the names of two gunmen whom he accused of firing the shots which killed Bernard Baff in the West Washington Market on November 24, 1914. Neither of these men, Charles Dragnia, now under arrest, and a man referred to as "Tita" had ever before been mentioned in connection with the case, Ferrara at his own trial having named as the gunmen in the conspiracy Giuseppe Arichiello and Tony Reno.

Reno was never caught, but Arichiello, principally on Ferrara's testimony, was convicted of murder in the first degree and sentenced to die in the electric chair. His execution was stayed on a motion for a new trial. Ferrara declared that all the testimony he gave implicating Arichiello and Reno was prejudiced and manufactured under Duress and compulsion to suit the theories of the detectives working on the case. Repudiating all of this testimony, he insisted that Arichiello and Reno were not in the murder party and that the real gunmen were Charles Dragnia, alias Jack Rossotti and Tita.

Dragnia, a young Italian about 25 years old, was produced in Court, and Ferrara from the witness stand identified him as one of the assassins. Both Dragnia and Tita were in the Tombs on a blackmailing charge when Ferrara was arrested in February, 1916, in connection with the Baff murder. Ferrara did not say a word at the time of their al-

leged complicity in the crime under the grueling examination of the police and District Attorney's office. After Ferrara had made several efforts through his attorneys to get a new trial, he decided, he said, to disclose the real gunmen, and he did so. Dragnia and Tita were traced to San Francisco. Dragnia was arrested but Tita escaped by a hair's breadth. He was actually in the hands of a detective, when he suddenly slipped off his coat, dashed into a side street, followed by a fusilade of shots, and disappeared. He is still at large.

Denies Confession Was Bought.

Ferrara, facing death in the electric chair himself for his complicity in the Saff murder, denied that the prosecution had purchased the confession he made with a promise that his sentence would be commuted. He was merely determined, he said, to tell the truth, and leave the rest to Almighty God. His implication in the crime of men whom he knew to be innocent, he said, was due entirely to his fear of the detectives, who coerced him into building up a story that would square with their own conclusions. They had used him as a "human football", he testified, and for the time being he was willing to implicate anyone they suggested, hoping that he would have an opportunity in the future to repudiate his entire story.

Most of his testimony on the stand when he was called as a witness by the prosecution in the trial of the four dealers, Joseph Cohen, Jacob Cohen, David Jacobs, and Abraham Graff (who are charged with plotting and procuring the Saff murder) consisted of a complete repudiation of almost everything that Ferrara had previously sworn to in connection with the case. Exonerating Arichiello and Reno, and naming as the gunmen in their stead Dragnia and Tita, the witness gave the following account of the shooting:

"It was early in November, 1914, when Charlie Dragnia came to me in Little Italy and said, 'I want a poultry dealer downtown killed. There's $300 in it, and a closed car must be used.' He introduced me to Tita, and we drove downtown to look over the ground. I had a chauffeur with me named Dopey John, and I told Charlie that I intended to use him when the trick was pulled. But Charlie said, 'Don't do that. We have you on the job, and we don't want it advertised over Harlem.' He told me to get the fastest car I could."

Says Fast Automobile Was Used.

"I worked in Patsy Garofola's garage, on November 24, the day of the shooting, I told my boss that I had a hospital call for that afternoon. I took the biggest and speediest car we had, and met Charlie and Tita at 103rd Street and First Avenue. They had a rifle with a Maxim silencer, which they put together. We went down to West Washington Market, stopping at Fifteenth Street and Tenth Avenue. After they were gone twenty minutes they came back and ordered me to drive into the market."

"We went into the market, but there was a lot of people there, and a man on horseback. I said, 'There are too many people around; wait 'til dark, and I'll take a chance.' He said, 'All right', and he and Tita went away for about an hour. Dragnia came back about six o'clock and said, 'Drive in now. There are not many people about.' I drove into the market and was ordered to stop at Gansevoort Street and Thirteenth Avenue, on the northeast. He told me to back up, and I took a diagonal position facing Southeast. I was smoking a cigarette at the wheel, and an officer passed, swinging a club. Dragnia, after he left me, went on Thirteenth Avenue."

"I stayed on the corner for ten minutes and heard two shots on the north. I tried to look around to see what happened, and I saw Tita and Dragnia running toward the car. Dragnia had told me to keep the motor running when he left. Tita got in and Dragnia hopped on the running board. I heard people shouting 'Stop them! Stop them!' But I put on speed and hurried south on West Street, just missing an auto truck and a team. Then I drove to 104th Street and First Avenue. I got $12 for the use of the car."

While driving away with the car Ferrara said he heard "Tita" and Dragnia argueing about the gun which the latter had apparently thrown away.

"They were fighting over the gun", the witness testified. "I heard Tita say to Dragnia, 'You fool, what'd you throw that gun away for? It was worth $25. Now they'll have some evidence on us.' And Dragnia answered, 'Well, it's gone now. What are you going to do about it'"

Tells of Receipt of Money.

Two days later, Ferrara said, he met Dragnia in a moving picture show at Third Avenue and 104th Street, where the gunmen gave him $200, $150 for himself and the remaining $50 for Patsy Garafola to pay for painting the car so that it could not be identified by witnesses as the automobile which they saw in the market on the day of the shooting.

"I didn't tell Garafola", continued the witness, "because I didn't want to arouse his suspicions. Later I told Dragnia that Patsy wouldn't paint the car, and he said, 'All right. Keep the $50 for yourself, sit tight and be careful.'"

Under cross-examination, Ferrara said he would have told the truth about the murder from the very start if he had not been maltreated and kicked around by the detectives who were put on the case. He named William Quain, Harry Butts and Felix Di Martino as the detectives who intimidated him and forced him to implicate innocent men in the crime. He stated that neither District Attorney Swann nor Assistant District Attorney O'Malley had used any violence, but when he was asked by Frank Moss, for the defense, why he did not tell the truth, he answered:

"I was afraid, I was afraid, I tell you, of the detectives. I had to tell the same story that they wanted me to tell. They wouldn't have anything else."

Ferrara also testified that he had lied when he implicated Ippolito Greco, the marlex saloon keeper, in the killing. Greco's name was forced upon him by the detectives.

"But Greco was dead, and so I knew nothing", I said, "would harm him."

Ferrara also insisted that Tony Caffarone, whom he had put in the murder in his previous testimony, and who had actually plead guilty to attempted murder without coming to trial, was not in the murder party on the day of the shooting.

The trial will continue.

Daniel Jones Tells How He Gave It to Man Who Fitted a Silencer On its Muzzle.

Allen T. Pearson, representative of the Western Poultry Shippers in West Washington Market, told Supreme Court Justice Tompkins and a jury at the continuation of the trial of Joseph and Jacob Cohen, Abraham Graff and Davis Jacobs, charged with instigating the murder of Barnard Baff, that in the summer of 1914 it was a matter of general complaint among dealers in the market that Baff's methods of price slashing and feeding sand to poultry was ruinous to the trade. He said that he had heard many dealers declare that something should be done to stop Baff.

"On one occasion I heard Joe Cohen say that Baff would get his some day, and that he was surprised something hadn't happened before", the witness said. "I heard dozens of others speak in the same tone about Baff."

Pearson declared that he had heard Cohen tell persons that Baff was cordially hated by almost every merchant in West Washington Market. He added that Baff ought to be killed. Daniel Jones, a negro chicken handler, who has been confined in the House of Detention as a material witness, told of the manouvers of the gunmen in the loft of one of the stores where an attempt was later made to shoot Baff as he passed.

Jones said he was approached one morning in the summer of 1914 by Abraham Graff, who handed him a package wrapped in a burlap bag. Graff, he said, told him to ask no questions, but to take the package up to the loft.

"There was a man whom I didn't know standing in the entrance to the loft, and he took the package", Jones declared. "When he opened it I saw a rifle in two parts. He put them together and then screwed a

little thing on the muzzle. I asked the what that was, and he said it was a Maxim silencer."

The witness recalled that Antonio Cardinale was one of the men present in the loft. Jones identified a photograph of a man known to the police as "Tito" and said that he felt reasonably certain that this person was also in the loft at the time. Before he left the place he said he cut a hole about three inches wide and rip with one of the drainage leaders as he was ordered to do by Graff.

A month after this incident Jones said he met Graff, who asked him to go to a certain spot in the vicinity of Baff's stand and see if there was a covered wagon standing there.

"I found a covered wagon there with a sort of heart-shaped opening cut in the back", he continued. "I could see a man in the wagon through this opening. Ten or fifteen minutes afterward the Graff walked past the wagon and said to me, 'Gee, I was almost scared to death. I came past that wagon and a fellow asked me for a cigarette. I could see a gun beside him so I gave him all the smokes I had and beat it away.'"

John Dhal, also a poultry handler, told of filling a package of cartridges in another loft. He was uncertain, however, whether he discovered bullets before or after the murder of Baff. Patrick Garafola, proprietor of a garage at 435 East 104th Street, identified a photograph of the murder car. He said that Frank Ferrara had asked leave to drive the machine on the day Baff was killed, saying that he was about to make a hospital call. The trial will be continued.

<u>Baff Business Sent By Food Administration.</u>

The United States Food Administration decided to close the business of B. Baff & Son, Inc., and three affiliated firms which, it is charged, violated regulations set down in order to obtain extortionate prices for their commodities.

The revocations which will remain forceful as long as the Food Control Act is on the statute books, covers the firm mentioned, Fannie Baff, Harry and Annie Baff, and Baff and Son, a co-partnership. These four concerns, it is alleged, comprised a family trading group which was organized to boost the price of eggs and add extra sources of profit between receipt and final disposition.

At the hearing it was testified that one of the agencies, acting at the time as a purchasing company, bought eggs for 37½ cents a dozen. It, in turn, sold to one of the other firms mentioned for 48½ cents. When the eggs finally left the Baff circle, according to an official statement made by the Food Administration, they brought 51½ cents a dozen, or a profit of 14 cents.

"Similar practices", the announcement read, were shown to have been carried on by all of the four affiliated trading agencies. The Food Administration judged that Baff was unnecessarily complicating channels of trade and that, in addition to lengthening the course through which eggs must flow, was reaping exorbitant profits from the transactions.

"It was shown, too, that he was charging uncandled eggs on his bills as candled eggs, and was guilty of the trade practices which are in violation of the Food Administration regulations. None of the Baff concerns will be allowed to do business so long as the Food Control Act remains in effect."

The Food Administration gave the four concerns time to close their doors. After that, if there is still any stock on hand, their business will be administered under the direct supervision of the Food Administration.

The four firms involved in the revocation of this license are owned by members of the family of Barnard Baff, who was murdered by hired gunmen in the West Washington Market. The business, which still goes by the name of the father, is controlled by Harry Baff and Fannie Baff.

Retailers to Cut Price
On Turkey.

A lowering of the retail price of Thanksgiving turkey was promised by the Retail Butchers Ass'n. of New York in a communication sent to Arthur Williams, Federal Food Administrator. According to Mr. Williams the butchers have agreed to accept a margin of profit 5 per cent under that allowed them before on holiday fowl, thus bringing the price down almost equal to what it was some time ago. The butchers reached their decision following a conference with the Food Administrator wherein he plead with them to make some allowance for the spirit of the occasion and reduce their profit on Thanksgiving turkey. In asking this, Mr. Williams told the butchers he realized that for them to accept the same margin of profit as some time ago was a concession in view of the fact that their overhead costs were so much higher. He was very much pleased to learn that the Ass'n. had voted to reduce the margin. "It may not mean so much to the people who do not have to count their pennies," said Mr. Williams, "but this little reduction by the butchers is going to bring joy to a good many families where the Thanksgiving turkey is purchased with pennies that have been eked out by a years careful saving. Of course the reduction will only be made in the profit on the cheaper grade of fowl. I have asked the dealers to make none in case of the fancy birds. I can't tell yet what the price will be, but I am told that at present live turkeys are costing at the farm, two cents a pound more than some time ago. It may be increased before Thanksgiving. I am mighty glad the butchers have come to the front like this and let me tell you we cannot give them too much credit for it."

Asks Cut in Profits
In Holiday Turkeys.

Arthur Williams, Federal Food Administrator, held a conference in his offices with a committee representing the Master Retail Butcher Ass'n. of Greater New York to urge upon the butchers a reduction in their margin of profits for turkey on Thanksgiving Day. At the close of the conference the butchers promised to do what they could. Another meeting will be held when a price list will be issued. As matters stand, the butcher is allowed a margin of 25 per cent on his selling price. That is on a turkey retailing for $5 and the dealer's $1 profit. This is the same margin as was allowed before, and Mr. Williams admitted to the butchers that he appreciated the fact that it represented a concession on their part to take it. But he pointed out that turkeys are higher. A turkey selling for $5 this fall cost only $4 last, with a profit of 88 cents for the dealers. He asked them to consider a 5 per cent reduction in their profit. "I realize that you men have shown a very fine spirit so far in helping the Food Administration in this city," said Mr. Williams. "You have made a splendid reputation for yourselves as among the most patriotic of our citizens. I am asking you now to make a concession to the spirit of the times and cut down a little on the margin of your profit for Thanksgiving Day." The dealers, in reply, pointed out that prices had risen so in their business, including a recent rise in wages due to a strike, that it was nearly as much as they could do to keep to the same margin of profit as before. Also they said that almost their entire business in the holiday season was in poultry, and that a reduction in profit in this kind of foodstuff made a serious inroad in their year's profits. However, they agreed with Mr. Williams that the country was passing through a crisis in which it was necessary for every citizen to bear his share of the burdens and they promised to put the matter fairly before their Ass'n's. Mr. Williams said that action by the Master Retail Butcher's Ass'n. with its membership of 2500 would force the other dealers(more than 5000 in numbers)to do likewise. In a statement issued, the State Division of Farms and Markets declared that the producers out of the city were much at sea over the prices they were to get for Thanksgiving turkey. "The cold storage plants report less turkeys in stock than before", said the statement. Big dealers said that prices have been ranging from 40 to 48 cents a pound for the birds wholesale and from 65 to 70 cents retail. The price, it is said, will be a little higher for Thanksgiving stock. Meetings in Manhattan, Queens, and the Bronx have been arranged for men and women to gather under the auspices of the Community Councils of Greater New York to discuss the high cost of living in general and the milk situation in particular. A meeting will be held at the Biltmore at which Federal Food Administrator Williams has been asked to preside. The Governor, if his mother's health permits, has promised to speak at this meeting. Another speaker will be Patrike D. Fox, Vice President of the Borden Farm Products Company.

Turkeys At 48 Cents on Buddy's Market.
Rock Bottom Prices on All Other Foods Are Quoted At Ninth Avenue Stands.
Health Department Official Says "Overchopping" of Poultry Costs City $2,000,000 a year. (Nov. 1920 N. Y. Times)

There is one place in N. Y. City, where the people may buy food at rock-bottom prices, according to Mrs. Louis Reed Welzmiller, Deputy Commissioner of Public Markets.

This place is what is known as PADDY'S MARKET, where all kinds of food, as well as many articles of wearing apparel are sold from stands on both sides of Ninth Avenue from 38th Street to 42nd Street. Mrs. Welzmiller made a survey of retail stores and found the market is glutted with turkeys, but they were from the west and not of the best quality, she said.

There were 31,000,000 pounds of poultry in cold storage in the U. S., which is about 30 per cent more than was in storage some time ago.

Ole Salthe, Acting Director of Foods, said that from an investigation he believed the people of this city were paying $2,000,000 a year for undigested feed in poultry.

Inspectors visited twenty-five butcher shops where poultry was killed and of the 3,008 chickens examined 1,562 were found to have been "over-cropped". Examinations showed their crops filled with surplus weight of undigested wheat with corn of 9 to 13 ounces.

Poultry dealers, Mr. Salthe charged, had a chemical preparation which they put in water to stimulate the appetite of the fowls.

There is a city ordinance and a Health Dept. regulation regarding "over-cropping" and it is understood that Health Commissioner Copeland expects to summon some of the butchers before him.

Investigation of High Prices
Of Poultry

Upon instruction of Mayor Hylan the City Commissioner of Accounts, David Hirsnfield, started an investigation of the four largest corporations which control the Kosher chicken market. There are complaints that these corporations actually form a trust raising the price of Kosher poultry and forcing the retailers to follow their example. The investigation took place in the office of the City Commissioner in the presence of Commissioner of Markets, O'Maley, and Commissioner of Health, Dr. Copeland.

The City administration was compelled to start this investigation because of the fact that the chicken retailers of Brownsville declared a strike against the trust and sent a committee to the Mayor to lay down before him the facts that compelled them to strike.

Representatives of the Union of Chicken-retailers in Brownsville declared that the members of their organization would not buy from the "Brownsville Wholesale Corporation" because the latter kept high prices for Kosher chickens when the price of non-Kosher chickens came down almost half. When the Brownsville retailers tried to buy from the

other three corporations it was hinted to them that they could not buy outside of their district. The retailers were compelled to make their purchases in one place, which circumstance makes it impossible to fight the trust.

The four corporations under investigation were: The First American Poultry Corporation, controlling the market in Brownsville, the Highgrade Live Poultry Corporation for the Williamsburg district; the East-Side Poultry Corporation and the Fair Price Poultry Company controlling business in the East-Side, Harlem, and the Bronx. These corporations were under the jurisdiction of the City Government since they were all required to have permits from the Health Department, and they were tenants of the City of New York, since the principal chicken places were in City buildings.

Kosher Poultrymen Called Profiteers,
Market Head Puts Their Excess Charge
At $1,500,000 During Jewish Holidays,
Plenty of Fowl Arriving, Poultry Costing
28 to 29 cents Should Sell for 34 to 35, But
Brings 40 to 45 (March 30, 1922 N. Y. Times)

"Edward J. O'Malley, Commissioner of the Department of Public Markets, said in a statement that 'it is an outrage, the prices that are now charged by the retail Kosher butchers for fresh killed poultry.' He added that the consumers of this city would be mulcted out of $500,000 now and $1,500,000 later 'through the overcrowding of live poultry and the rigging of the market by the wholesalers and retailers owing to the Jewish holidays.'"

"The receipts", Mr. O'Malley's statement continued, "will foot up close to 500,000,000 pounds, while later the amount of live poultry brought forward here to supply Jewish housewives will exceed 10,000,000 pounds.

"The retail Kosher butchers are perhaps the most unfair class of dealer in New York. Indeed few, if any of them, know that the war is over, nor do they want to find out. With a wholesale market on live fowls at 25 cents, the large distributing markets that supply these retail Kosher butchers are working on a margin of profit from one to three cents a pound, or at present from 26 to 29 cents. These retail butchers should not charge the consumers more than 34 to 35 cents for fancy fricassee fowls. That, indeed, would be a very generous profit; but instead, these dealers are charging housewives from 40 to 45 cents for good fricassee fowls and are only lowering the prices on very thin birds to 36 and 38 cents. This means that the Jewis consumers in New York will pay more than $500,000 for fricassee chickens in excess of a fair profit, and later, during the Jewish holidays, these dealers will exploit the consumers for at least a million and a half ~~dollard~~ dollars in excess of a fair and full profit for the risks they assume and the service that they render in retailing this poultry, as most of the Jewish housewives car-

ry home their own purchases.

With the wholesale price of 25 cents by the carload on fancy fowls, these retail dealers do not pay more than 27 cents to 28 cents and could well afford to pay to the consumers at from 32 cents to 35 cents, and even the latter price savors of extortion as these Kosher dealers do not lose in weight. They simply place the slaughtered birds in a paper bag and hand them to the customers.

Another kind of poultry, Long Island spring ducklings, is coming here at the rate of at least eight to ten thousand every week, and for the coming holidays, not less than fifty thousand of these Long Island spring ducklings (weighing between 4½ to 5 lbs. each) will be brought to the market. These ducklings are wholesaling at 35 cents, and a retail price of 42 to 45 cents would admit of a handsome profit, but these unfair retail dealers are charging from 55 to 60 cents a pound for these ducklings, and in some instances as much as 65 to 70 cents per pound has been charged.

Half of City's Meat Kosher Butchered,
Government Reports Show Importance
Of This Trade In The Large Cities; Best
Of Carcasses Sold to Gentiles - Method
Of Slaughtering Is Described By Officials. (April 10, 1921 N. Y. T.)

"The importance of the Kosher meat trade in this city is shown in recent Government reports, indicating that almost half of the city's meat is Kosher slaughtered. 'Kosher' is a Hebrew word meaning ceremonially clean according to Jewish Law.

"During 1920", says the Market Reporter, issued by the Department of Agriculture, "there were slaughtered in New York, in round numbers, 438,000 cattle, 517 calves, and 1,280,4000 sheep and lambs." Of these, approximately 98 per cent of the cattle, 98 per cent of the calves, and 15 per cent of the sheep and of the lambs were slaughtered and dressed in accordance with the Hebrew regulations. If in connection with the above there is taken into account the fact that between 50 and 55 per cent of the meat consumed in New York City is slaughtered locally, the importance of Kosher meats becomes apparent.

While considerable numbers of live stock are Koshered in almost every city of considerable size, the trade naturally reaches its greatest volume in the great centres of population like New York, Jersey City, Boston, Philadelphia and Chicago. New York City with its Jewish population of approximately 1,500,000 is the largest Kosher meat market in the United States and possibly in the world.

The fact that the Kosher trade uses only the fore quarters accounts to a considerable extent for the large number of animals required to supply that class of trade. In New York City and Philadelphia

the ribs are sold to gentiles in addition to the hind quarters. The hind quarters are always sold to the gentile trade. This leaves only the chucks and plates for the Kosher trade, which represents about 43 per cent of the carcass weight. This is probably done for purely business reasons, as the rib is wholly acceptable from a religious standpoint, and in most cases is used by the Kosher trade along with the rest of the fore quarter.

"The Kosher trade is confined almost exclusively to heavy, fat animals, and for that reason Kosher slaughter produces a tonnage of meat per given number of animals much higher than the average resulting from slaughter for gentile consumption." Describing the method of slaughter of Kosher meats, the Government report says:

"The Kosher system of slaughtering differs somewhat from the general custom among gentiles, and one of the prime requisites is that the animal bleed thoroughly. According to Jewish belief, no blood should remain in the meat when consumed. For that reason, the animal's throat is cut without first being stunned by a blow on the head, as is done in other killing."

While Kosher slaughter is primarily of a religious nature, being performed by the Rabbi or his deputy, it is also a system of inspection and antidates the modern Government inspection by several thousand years. The Schecter, or man who does the slaughtering, inspects the carcass and accepts or rejects it, depending upon whether or not it meets the requirements of the Hebrew law. If the carcass is accepted he affixes his official stamp. Those holding strictly to the orthodox faith insist on having Kosher meat exclusively.

<u>Plead For Kosher Bills</u>
<u>Jews Urge Governor to Sign</u>
<u>Downing-Dicstein Measures</u> (April 4, 1922 N. Y. T.)

"Governor Miller listened to arguments presented by Jewish representatives as to why he ought to sign the Downing-Dicstein 'Kosher' bills. He intimated that he would approve the measures."

The only opposition to the bill was expressed by Joseph N. Schultz, of Harlem, who said he represented the Provision Manufacturers' Association and the Retail Delicatessen Dealers of the State. He told the Governor that the interests for which he appeared represented a total investment of $50,000,000.

The hearing was marked by a sharp clash between Mr. Schultz and Rabbi Herbert Goldstein of the Institutional Synagogue of Harlem. Rabbi Goldstein charged Schultz with campaigning in the Seventeenth Assembly District against August Claessens, Socialist Assemblyman, and asking for the votes of orthodox Jews and then coming here and opposing their religious teachings.

"To the outsider this may mean a slight affair, but it is a very serious matter with our people", said Dr. Bernard Draghman of the Congregation Chad Zedek of Harlem. "We all know what Kosher food is, and Mr. Schultz knows that we do. This food has every sanction of the divine law, with every sublime and impressive significance."

Assemblyman Dicstein told Governor Miller of the tricks and frauds now practiced by unscrupulous butchers and delicatessen dealers, who, he said, were dispensing thousands of pounds of non-Kosher, impure, unhealthy and unclean meats and prepared foods daily to unsuspecting Jewish women, who had no means of knowing whether the food was Kosher or not.

"Orthodox Jews, who number more than a million", said Assemblyman Dicstein, "who want Kosher food have no legal protection. Our bills give it to them. The bills have sharp teeth in them."

State Bonus Bill
Becomes Law Today (April 12, 1922 N. Y. Times)

"The Downing-Dicstein Kosher Meat Bills were also approved to prevent fraudulent butchers and delicatessen dealers from selling Kosher meat and foods not slaughtered in compliance with the orthodox Hebrew laws. The new laws are so worded that there will be no opportunity for evasion by dealers now selling non-Kosher meat despite the fact that they have Kosher signs on their windows. Violators of the law will be guilty of a misdemeanor punishable by a jail sentence of one year and a fine of $500. Where both kinds of food are sold the following sign must be displayed: 'Kosher and Non-Kosher meat sold here.' In addition, signs must be pinned on the foods to indicate which is Kosher and which is not."

Inquiry On Poultry
Profits Ordered (April 4, 1922 N. Y. Times)

"When the two Grand Juries were sworn in by Judge Rosalsky in General Sessions he called their attention to the recent statement of Edwin J. O'Malley, Commissioner of Public Markets, that dealers in fresh killed poultry were conspiring to make an extortionate profit of $1,500,000 by raising the price of their wares during the coming Jewish holidays. Judge Rosalsky explained to the jurors that such a conspiracy would be a violation of the State Anti-trust Law, and he charged them to make a general investigation of allegations of profiteering in foodstuffs, particularly fowl. Soon after he addressed the jurors, Commissioner of Accounts Hirsfield announced that Mayor Hylan had ordered him to investigate O'Malley's charges. If such a conspiracy was contemplated he would lay it before the Federal authorities here with a view to having it presented to the Grand Jury. In referring to the statement of Commissioner O'Malley, Judge Rosalsky said the law cannot forbid or restrain the right of persons to make normal or usual contracts to further trade by resorting to normal methods to accomplish

such a purpose but if the agreement among the parties to the combination operates to the prejudice of the public interest by unduly and unreasonable restricting competition in the supply or price of an article or commodity of common use such against public policy illegal and void. An agreement to prevent competition in trade is in the contemplation of the law injurious to trade because it is liable to be injuriously used. He then told the Grand Jurors that the State Anti-trust Law provides a maximum fine of $5,000 and imprisonment for one year for a violation of the act. He added that the law had been sustained by the higher courts, but in order to establish a conspiracy an over act must be shown before indictments could be returned. Thirteen live poultry dealers were convicted before Judge Rosalsky in 1911 for violating the State Anti-Trust Law. He fined each defendant $500 and sentenced him to three months in the work-house."

Hofstadter to Fight
Attack on Kosher Act. (Jan. 19, 1923 N. Y. Times)

"S. H. Hofstadter, of the law firm of Nordinger Higelman has been appointed a special deputy by Att'y. General Carl Sherman to oppose any attack upon the law enacted by the Legislature to prevent the misrepresentation of food products. The law was designed to protect the public against the purchase of food falsely represented as Kosher. Provision men, Mr. Hofstadter said, intend to attack the constitutionality of the law that makes violation of its provisions a misdemeanor. He said that the attack would be made in the Federal Court by Harry Satz, a dealer, to retain the Dist. Att'y. and the Att'y. General from enforcing the law. The real issue involved said Mr. Hofstadter is not limited in importance to orthodox Jewry. The basic question is whether a State which sanctions religious freedom may protect its citizens from exploitation by those who seek through underhand indefensible practices to take advantage of the religious observances of those citizens. It is inconceivable that any group would actually sanction the display of non-Kosher products in such a manner that purchasers may be deliberately deceived and misled into believing them to be Kosher. The appointment of Mr. Hofstadter, A Republican, by a Democratic Administration followed an appeal from many Jews and from the American Union of Hebrew Orthodox Congregations."

Attacks Kosher Law
As Unconstitutional. (Jan. 20, 1923 N. Y. Times)

"District Att'y. Banton was served with papers in the application for an injunction filed with Federal Judge Knox to restrain the prosecutor from enforcing the Kosher Meat Law. The application was made by Harry Satz, a delicatessen dealer of 162 Avenue C. Mr. Banton said he would oppose the granting of the injunction at a hearing before Judge Knox. Satz contends that the law which was passed is unconstitutional. It makes it a misdemeanor for the dealer to represent that meat offered for sale is Kosher and has been prepared in compliance with the Orthodox Hebrew requirements when such is not the case. The appellant alleges that the law is unconstitutional and that it takes property without recourse to the process of law, denies the usual

protection of the law and interferes unwarrantedly with interstate commerce. Satz further tenders that the meat products sold by him are prepared in accordance with what he considers the strict religious requirements."

Live Poultry Prices
Near Pre-War Level (February 28, 1923)

P. Q. Frey, Editor of the New York Daily Market Report, announced that there is a flood of live poultry here for the Purim (Jewish) holiday, and that the extraordinary supply has brought a welcome break in prices. Prices are the lowest since pre-war times, Mr. Frey said, and a more than ample supply for the Hebrew holiday is assured at an unexpectedly low market rate. The receipts of poultry to date amount to 285 carloads, but there will be 65 cars more -- making a total of 350 carloads. There are 5,000 fat table quality live birds to a car and the 350 carloads will reach approximately the weight of 8,350,000 pounds. The total number of birds in these cars will be about 1,750,000. The extraordinary supply will permit dealers to retail this poultry to consumers at 27 to 28 cents a pound and some of the Harlem dealers were selling fat fricassee fowls at 26 and 27 cents a pound. Besides this, there is an equally extraordinary supply of frozen poultry in the warehouses including not less than 14,000,000 pounds of turkeys. Turkey meat, therefore, is to be held at prices approximately 40 per cent below those of the Christmas and Thanksgiving holidays. Consumers who would not pay the extortionate prices asked for turkeys at Christmas and Thanksgiving can now get as good if not better quality birds at from 30 to 35 cents a pound for Easter Sunday dinners.

Butchers Win Suit To
Enjoin Pickets (May 19, 1923)

The latest ruling on picketing was handed down by the Appelate Division of the Supreme Court in reversing a decision of the lower court refusing an injunction for Harris Yablonowitz, a butcher at 3 East 112th Street, against Jacob Korn as president and the other officers and members of the Hebrew Butchers Workers Union of Greater New York. Yablonowitz sued for an injunction against the picketing of his shop and also asked $30,000 damages. The opinion in his favor was written by Justice Walker Lloyed Smith and concurred in by Presiding Justice Clare and Justices Finch and McAvoy, with Justice Dowling dissenting. The picketing started after Yablonowitz discharged members of the union and decided to carry on his business with the aid of members of his family. Justice Smith wrote that picketing, even though ostensibly peaceable, may not be employed when its purpose is to effect a malicious and unwarranted interference with another's business or vocation. "This is purely a high-handed attempt to ruin this man's business and all sense of fair play is outraged by allowing this picketing to continue", wrote Justice Smith. It is not for the purpose of

assisting the employee, because those who were employed had left and new ones were employed. It is simply for the purpose of intimidating and coercing this plaintiff to hire union men. Monopolies are abhorrent to American ideas of government. The law condemns all combinations whether in respect to labor or so-called capital which seek to become monopolies and thus oppress the people.

Kosher Strike Threatens
Rabbis Confer To Avert Walkout
By 300 Poultry Killers (August 28, 1923 N. Y. Times)

"Threatened with possible strike of 300 shoctim who kill the Kosher poultry intended for consumption in this city, Rabbis from all parts of the city met in the hall of the Kosher Food Law Board at 63 East 114th Street in an effort to prevent the walkout. Rabbi Ben Zion Pearl was appointed chairman of a committee which he will name and which will try to arbitrate the dispute.

The shoctim, it was said, had two meetings with representatives of seventy-two wholesale poultry dealers. According to Jacob Rothman, organizer for the shoctim, the men demanded a $5 increase, which would bring their wages up to $30 a week, and a reduction of four hours in work, giving them a forty-eight hour week. Rothman said the dealers had agreed to recognize the shoctim organization, but wanted to make an agreement with them similar to that in force during some time ago. If the demands are not met, Rothman declared, there will be no Kosher poultry killed.

In connection with the question of Kosher meat, the Rabbis decided to have a committee meet the packers in an effort to have them use a uniform system of tagging the meat. It was said that in many parts of the city Kosher tags were placed on meat that was not Kosher.

Seeks To Dissolve Poultry "Combine"
Hayward Charges Protective Association
Is For Purpose of Fixing The Price,
Temporary Stay Is Asked, Petition Alleges
That Those Who Ignore The Body's Edicts
Are Boycotted (Jan. 19, 1924 N. Y. Times)

"A petition in equity filed in the Federal Court seeks the dissolution of the Live Poultry Dealers' Protective Association on the ground that it was organized and is operated for the purpose of fixing the price of poultry. It is also alleged that the membership of the association is so large that the price set by its Price Committee affects all of the factors in the trade from the producer to the ultimate consumer in all of the large cities.

"Complaints had been received by the federal authorities of

the conditions under which the chicken market was operated, of the manner in which retail dealers became members of the association, and of methods used to compel their obedience to the price orders sent out by the association.

"The petition was filed by order of the United States District Attorney William Hayward, but the facts were gathered by Major David A. L'Esperance, a special assistant to the Attorney General, who had been engaged in the work for quite some time. While the petition names only the officers and principal members of the association, all the members are defendants.

"Major L'Esperance said that more that $50,000,000 worth of poultry comes to this city every year and that it is sold at prices established and announced by the defendant Association, which are telegraphed to the trade over a large part of the United States. It is also alleged that the members of the Association have entered into agreements to boycott all commission men who have failed to observe the prices fixed by the Association.

"It was explained that the present proceeding is brought for the purpose of obtaining prompt relief for the public through a temporary injunction restraining a continuance of the alleged illegal practices of the Association. Argument will be heard.

"'It is the purpose of this proceeding', said Colonel Hayward, 'to re-establish lawful conditions in the conduct of the poultry trade which affects so many citizens. The investigation has developed certain purely local conditions, not within the Federal laws, which indicate that for the inquiry into purely local commerce in poultry might be deemed desirable by the District Attorney, and these conditions will be brought to the notice of District Attorney Banton for his consideration. Every assistance will be rendered him by this office.'

"Samuel Gilnstein of 970 Longfellow Avenue is President of the Association; David Hirschhorn, 501 Powell Street, is Vice President; Julius Aestein, 137 Broome Street, is Secretary; Jacob Reisner, 519 Water Street, is Assistant Treasurer; and Sendell Gordon, 276 Union Street, Financial Secretary."

<u>Poultry Men Attacked,</u>
<u>Lawyer Says Commission</u>
<u>Merchants Used Owls Cement</u>
<u>to Add Weight</u> (Jan. 30, 1924 N. Y. Times)

"The attempt being made by the Government to dissolve a poultry combination which represents a traffic of $50,000,000 a year, came before Federal Judge Winslow on the petition of the Government for a preliminary injunction restraining further operations of the Live Poultry Dealers' Protective Association until the issue could be tried.

Major David L'Esperance, special assistant to the Attorney General urged the court to issue the injunction. He stated that the Association fixed prices of poultry and controlled the sales to an extent which affected the industry all over the United States.

"Jonah Goldstein, counsel for Association, the New York Live Poultry Receivers' Association, had instigated the Government's action for the purpose of regaining control of the poultry business. Mr. Goldstein read from a report said to have been made by the commission men covering their alleged method of adding weight to poultry by feeding the fowl ground oyster shells, sand and gravel, a great deal of water and sometimes a little cement, adding from a quarter of a pound to a pound and a half of weight to each bird.

"Mr. Goldstein admitted that the dealers, through their association, fixed the price of poultry each day at 1 o'clock, but contended that the prices were fixed in accordance with the supply and demand."

Anti-Trust Ruling In Poultry Upheld (Dec. 7, 1924 N. Y. Times)

"An opinion by the Circuit Court enjoining the Live Poultry Dealers Ass'n. from fixing prices makes clear provisions of the Anti-Trust Law which have heretofore been somewhat in doubt according to Major David A. L'Esperance, a special assistant to the Att'y. General, who instituted proceedings against the combine. When the action was begun it was said that more than $50,000,000 worth of poultry came to this city every year. The defendant Association, it was charged, fixed prices for it and these prices were telegraphed over a large part of the United States. In the hearing before Judge Winslow it was argued that the Association violated no provision of the Anti-Trust Law because the operations of the defendant were confined to this city and State and that interstate commerce was not in any way concerned in the matter. Major L'Esperance explained that live poultry bound for this market is shipped from Middle Western States to Hoboken where it is put into crates and sent across the Hudson River to this city.

"The consignees are receivers or commission merchants who sell the poultry as agents for the shippers. The opinion of the Circuit Court referred to the contention of the defendants that prior to the creation of the Ass'n. the market was in a badly demoralized condition - prices being often determined by wash or fake sales which did not represent real transactions. Part of Judge Hand's opinion reads:

"Among those trade practices which fall within the statute none we think is more typical than an agreement of substantial number of either buyers or sellers to fix prices at which alone all members of the group will trade. In reference to another part of the opinion Major L'Esperance said, 'It is now made clear that the transaction began at the source of point where the poultry was loaded on cars to be brought to this city and did not begin after the poultry arrived here. The violation of the law is therefore made plain by the court and is to the effect that the transportation of goods of any character from one state to another, even though there was in dealing on the way falls

[illegible] Corporation, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] the [illegible] [illegible] the [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

"Joseph Goldstein, counsel for association, the New York Live Poultry Receivers' Association, [illegible] [illegible] [illegible] "commission men" for the purpose of [illegible] control of the poultry business. Mr. [illegible] that the a report said to have been made by the commission [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] feeding [illegible] [illegible] [illegible] grit, sand and gravel, [illegible] [illegible] of water and sometimes a little cement, adding from a quarter of a pound to a pound and a half of weight to each bird.

"Mr. Goldstein admitted that the dealers, through their association, fixed the price of poultry each day at 1 o'clock, but contended that the prices were fixed in accordance with the supply and demand."

[illegible] [illegible] on [illegible] [illegible] — [illegible] [illegible], 1928 [illegible]

"An opinion by the Circuit Court enjoining the Live Poultry Dealers Ass'n. from fixing prices makes clear certain [illegible] of the anti-trust law which have heretofore been somewhat in doubt according to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] and institutes [illegible] proceedings against the [illegible]. When the action was begun it was said that more than [illegible] pounds of poultry came to this city every year. The defendant association, it was charged, fixed prices for it and these prices were [illegible] [illegible] a large part of the United States. In the hearing before Judge [illegible] it was argued that the association violates no provision of the anti-trust law because the operations of the defendant were confined to this city and hence that interstate commerce was not in any way concerned in the matter. Judge [illegible] [illegible] that live poultry bound for this market is shipped from Middle Western States to Hoboken where it is put into crates and sent across the Hudson River to this city.

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"Few, among those practices which fall within the statute [illegible] is more typical than an agreement of substantial number of [illegible] agents or sellers to fix prices at which [illegible] [illegible] a measure of the [illegible] [illegible] [illegible]. In reference to another part of the opinion Judge [illegible] said, 'It is now made clear that the transaction began at the [illegible] [illegible] where the poultry was loaded on cars to be brought to this city and did not begin after the poultry arrived here. The [illegible] of the law is therefore made plain by the court and is to the effect that the transportation of goods of any character from one state to another, even though there was in dealing in the way [illegible]

within the provisions of the law forbidding combinations in restraint of trade in interstate commerce."

Dealers Are Warned Of
Kosher Law Drive (Jan. 8, 1925 N. Y. Times)

"When Hyman Schnapp, a meat dealer, was released on $500 bail for trial in Special Sessions by Magistrate Francis X. McQuade on a charge of violating the Kosher Law, Ass't. Dist. Att'y. Max Salomon who had been especially assigned to the case by Dist. Att'y. Banton announced that a campaign against all violators of the Kosher Law had started. Mr. Salomon explained that the authorities and the Union of Orthodox Jewish congregations of America through its Attorney Albert Wald had deferred vigorous action against violators of the law pending the action of the United States Supreme Court, but that when that court declared the Kosher Law constitutional plans were made at once to enforce it. Schnapp was arrested in East 45th Street near the East River on complaint of Abraham Goldstein, a member of the Executive Committee of the Union of Orthodox Jewish Congregations. It was charged that Schnapp was detected in the act of affixing a Kosher seal to meat which had not been declared Kosher by representatives of people of the Jewish faith in violation of Section 435 of the Penal Law. Schnapp plead not guilty. The practice of palming off non-Kosher meat and other foodstuffs on people of the Jewish faith has become a scandal, Mr. Salomon said after Schnapp's arraignment. Now that all doubt of the constitutionality of the law has been removed, offenders will be brought to justice."

Poultry Men Sign Decree (Dec. 16, 1925 N. Y. Times)

"Trial of the Government's suit to restrain the Live Poultry Dealers Protective Association, Inc., from continuing the practice of establishing prices that would bind all the dealers to charge the same prices, thus preventing competition in prices, came to an end when the defendants agreed to sign a decree restricting them from price-fixing.

"In the course of the trial it was disclosed that $50,000 worth of live poultry was sold annually in the markets of this city, principally to the Jewish trade. It was the consensus among sellers, buyers, and poultry men generally, who were called from the West as witnesses that it would be fair to resume the old methods of purchasing poultry on the basis of the prices quoted in the trade journals."

Will Sift Charges Of Poultry "Trust"
Court Names Referee To Inquire Into
Alleged Price-Fixing And Coercion Of
Dealers, One Concerned Mentioned, Order
Directed Against Community Live Poultry
Co. -- Lawyers Tell Of Intimidation Methods (Jan. 28, 1926 N. Y. T.)

"Complaints against an alleged profiteering live poultry combination in Brooklyn, which sought to coerce retailers to maintain fixed prices, were ordered investigated by Supreme Court Justice Norman S. Dike on a motion by representatives of Attorney General Albert E. Ottinger.

When the case was submitted the action was taken under the provisions of the Donnelly Anti-Trust Law and the order was specifically directed against the Community Live Poultry Corporation of Brooklyn. They contended that the alleged inflation of prices in the trade appeared to affect the markets in all boroughs, but whether this was due to the operations of any one or of several combinations were questions to be determined by the inquiry.

The Community Live Poultry Corporation was composed of wholesale distributors and retailers and had an operating center at the West Washington Market in Manhattan.

One form of the trade control was conducted by taking over the business of retailers, who were then placed in charge as managers for the corporation upon a salary basis. In one case the amount of salary paid to a dealer was $150 per week.

It was also required of these dealers who surrendered their business to take stock in the corporation.

Persistent efforts to force dealers to enter into this arrangement have been made. Dealers who declined frequently found their delivery of poultry stopped.

Investigation disclosed that poultry was usually billed to the retailer at 40 cents a pound to be sold not less than 42 cents though former retail prices prior to the operations ranged from 35 to 38 cents a pound.

Two dealers, Samuel Feinman, and Barnet Becht, were among the complainants who had joined in the "manager-share holder" arrangement, and when they sought to regain possession of their businesses they were either deposed as managers and their shops taken over by the corporation, or they were subjected to other discrimination."

<u>Denies "Blacklist" In Poultry Trade,</u>
<u>Member Of Commission Merchants' Association Testifies At Inquiry Into</u>
<u>"Price Fixing"</u> (Feb. 2, 1926 N. Y. Times)

"An investigation by the State Attorney General of alleged inflation of live poultry prices and other discriminatory acts against retailers and dealers by a so-called poultry trust, said to have operated within the city, developed only two supporting witnesses of the charges at the first hearing at the Brooklyn Bar Association, 123

Remsen Street. Before the session ended testimony had been offered by George C. Brown, a wholesale commission merchant of West Washington Market, Manhattan, to the effect that there never had been a "blacklist" or "price fixing" arrangement in the trade against the two complaining witnesses or against any other dealers or group.

The complaining witnesses were Samuel Feldman, 92 Leonard Street and Barnet Becht, 5 Johnson Avenue, Brooklyn.

The two dealers said they found that none of the wholesalers and commission merchants would sell to them as independent retailers. Becht testified that he finally got a supply but he was forced to pay from five to ten cents more for his poultry than was being paid by others favored by the combination.

The hearing will be continued."

Poultrymen Fail To Head Off Inquiry, Denied Injunction To End State's Investigation Of Alleged Price Conspiracy (Feb. 6, 1926 N. Y. Times)

"An unsuccessful attempt to stop Attorney General Albert C. Ottinger's investigation of an alleged combination in the live poultry trade to inflate prices was made in the Brooklyn Supreme Court by Isidore Neuwirth, attorney for some wholesale poultry dealers in West Washington Market, Manhattan. He obtained an order from Supreme Court Justice John MacCrate requiring the Attorney General to show cause why further investigation should not be enjoined.

A hearing on the order was held immediately before Supreme Court Justice Mitchell May in Brooklyn. Neuwirth contended that an application by the Attorney General for referee to conduct the investigation was defective and failed to substantiate an allegation of conspiracy.

Neuwirth expressed the opinions that some "political move" had initiated the inquiry and that publicity, due in part to statements by Deputy Attorney General I. M. Lerner, who is conducting it was injuring the business of his clients.

In dismissing the order, Justice May said:

'The newspapers will not print anything except when there is justification for it, and if they do you have your redress. This is a court of free speech. I assume that the Attorney General is proceeding from the highest motives in the interest and protection of the public.'

The second hearing in the investigation was adjourned because of the court proceedings. Farell L. Tark, as referee, appointed by Justice Norman S. Dike, is taking the testimony."

Poultry Price Fixing Alleged
At Hearing, Dealer Says He Was
Compelled To Join Corporation
To Get His Supplies (Feb. 7, 1926 N. Y. Times)

"Benjamin Graff, an attorney and a member of the live poultry firm of Graff D. Gillman, of 104 Humboldt Street, Brooklyn, was the principal witness in the inquiry by the Attorney General's office into an alleged combination to "fix prices" in the live poultry trade. The investigation held at the Brooklyn Bar Association, 123 Remsen Street, is conducted by Referee Harold Turk.

"Graff testifies in support of Deputy Attorney General Israel I. Lerner's charge of discrimination against independent dealers. He said that three commission merchants at the West Washington Market, Manhattan, had refused to sell to his concern after it had declined to make a business connection with the Community Live Poultry Corporation.

"He and his partner decided finally that it was necessary for them to join the corporation, Graff said, and they bought ten shares of its stock for which they paid $1,000. Thereafter, he said, live poultry was billed to them through the corporation at a price that did not enable them to sell at retail below 10 to 12 cents a pound above the market price. The average formerly, Graff said, was about 6 cents in excess of the wholesale market price.

"Samuel Ginsberg, a Brooklyn retailer, testified he had been notified by the corporation that he had been appointed a director, though he had received no prior notice of this action.

"He said that when he objected to acting as a director he was informed that similar organizations were to be formed for the Borough Park section of Brooklyn and the east side of Manhattan."

No Excessive Cost In Fowl Inspection (Nov. 21, 1926 N. Y. Times)

Independent receivers of express shipments of live poultry met at the office of Dr. L. D. Ives, Supervisor of the Bureau of Economics of the Federal Department of Agriculture at 102 Warren Street to protest against what they feared were to be excessive charges for the inspection of small crates. Dr. Ives said the protest was the result of a misunderstanding ang that the fees instead of being $1.00 for five coops containing from 10 to 12 birds each would actually amount to about 4 cents a coop. The Federal inspection of poultry shipments by freight began. It is made in conjunction with the New York City Health Department and New York State Bureau of Farms and Markets and the New Jersey Bureau of Animal Industry. By far the greater part of the live birds received here come by freight. Dr. Ives said the freight shipments total about 50 cars a day while not more than 4 or 5 cars arrived each day by express. The inspection of express shipments is to begin and because of widely circulated reports that the charges for es-

amination would be so high that it would be necessary for the dealers to increase retail prices. Dr. Ives asserted the inspection fee would be proportionately the same as that for carload lots in which there are usually 200 birds to a crate. The coops received by express by the independent dealers hold about a dozen birds each and the inspection charge of $1.00 for twenty-five coops was nominal, Dr. Ives said. A representative of the New York Live Poultry Commission Merchants Association were present at the meeting. The quality of live poultry being received in New York City already had improved as a result of Federal inspection, Dr. Ives said. He declared that not only were the birds free from disease but there was no overcropping to artificially increase weight. Fear that the poultry might be rejected, he said, had apparently caused many shippers to feed the Birds with extreme caution.

Ottinger Plans Poultry Exchange (Feb. 19, 1937 N. Y. Times)

"Attorney General Ottinger completed the draft of a plan for a poultry exchange designed to end price fixing, the cornering of supply, and other practices costly to the consumer. The exchange will affect an annual business of $60,000,000 in New York City alone.

In addition to active participants in the trade the membership of the exchange will include a special class of not more than twelve members representing the United States Department of Agriculture, the New York City Department of Health, the Port Authority of New York City, and the New York State Chamber of Commerce, the State Department of Agriculture and Markets, and the New York City Department of Public Markets.

Senator Webb of Westchester and Assemblyman Hofstadter of New York City will introduce the bill which will incorporate the exchange. Both State and Federal agriculture officials have agreed to cooperate in its establishment, according to Mr. Ottinger.

'Illegal combinations which in the past have operated to control supplies and fix exorbitant prices for poultry will hear their death knell as soon as the poultry exchange is erected.'

The effect will be State-wide, and cities throughout the State which are dependent upon New York City for poultry quotations and supplies will be benefited equally.

It has been my experience that the early morning demand operates to jump prices upon the pretext of a shortage in poultry supplies, and all the while large stocks are held in reserve in storage places and in cars on sidings.

By having organized control of the trade in which the public is represented and by setting up committees to inspect and grade poultry and disseminate information about shipping and marketing it is expected

that the consumers will be materially benefited.

A board of governors will head the Exchange and appoint committees on arbitration, membership, house and inspection to administer the floor affairs of the exchange."

H. C. Forbes Elected As Poultry Czar (April 26, 1927 N. Y. Times)

"The N. Y. Poultry Exchange, the fruition of a plan upon which State Attorney General Albert Ottinger has worked for a year or more, was permanently organized at a meeting in Mr. Ottinger's offices at 49 Chambers Street. Representatives of every branch of the poultry industry attended.

Howard A. Forbes was unanimously elected President of the exchange. He will exercise a control over the industry similar to that granted to Will Hays in the motion picture industry.

In complete cooperation with the Poultry Exchange, it was announced, are the U. S. Dept. of Agriculture, Bureau of Economics, State Department of Agriculture, N. Y. Live Poultry Chamber of Commerce, N. Y. City Commissioners of Health, and Markets and the Port of N. Y. Authority.

Mr. Ottinger expressed satisfaction over the outcome of his project. He said he believed the exchange would go far toward ending the troubles of the poultry industry and spoke highly of Mr. Forbes with whom, he said, he had conferred only after his name had been voluntarily suggested by members of the exchange who wanted him to become the "Poultry Czar". A bill to create the Poultry Exchange was passed by the last Legislature at the instance of Mr. Ottinger.

Following his installation as President, Mr. Forbes said:

"The objects set out in the charter are to provide us with a place in which to do business; an exchange wherein the members may buy, sell, orotherwise deal in poultry; to adjust and settle controversies in the industry; to protect it against unlawful exactions; to acquire information for the trade and to formulate plans to increase business. I predict that, if the men in the industry will subscribe wholeheartedly to the principles of this exchange, they will bring about prosperous conditions for all right minded men in the industry."

Harris Starts Sift of Poultry Prices,
Health Commissioner Hears Evidence On
Profiteering And Intimidation, Rabbis
Are Accused, Complaints Will Be Taken
To Attorney General To Prevent "Gouging"
In Coming Jewish Holidays (Sept. 14, 1927 N. Y. Times)

"Two steps were taken to prevent profiteering and price fixing in poultry during the Jewish New Year Holiday. Health Commissioner Harris gathered evidence. The Jewish retail poultry dealers have been threatened with death and otherwise intimidated by an alleged wholesale "Ring" which, according to complaints, is boycotting some dealers, allotting customers to others, and seeking to force purchases of live fowl at "gouge" prices over the Jewish New Year. Justice Faber granted to the Attorney's office the right to subpoena dealers to appear and produce their books, records, accounts, contracts and other writings. East Side is the center of activity - of a group seeking to oppress and fix prices of Jewish butchers. Testimony was offered to show that the conditions are city wide.

Four young men, driving an expensive automobile, were described as the agents of the "Ring" in the east side neighborhood.

A chorus of protests followed the commissioners' request to learn the names of the men. Witnesses asserted that they were in fear of their lives and did not dare name their persecutors. Jacob Seiden, dealer in live poultry at 196 Orchard Street was the spokesman for the Jewish butchers. On several occasions, he said, any supply of poultry whatsoever had been denied to him by wholesalers, and he said that when he sought to complain to District Attorney Banton he was threatened with death. Each witness called described similar threats. Forcible methods used to influence the dealer to purchase fowl at a market was described by another witness who said similar attacks had been threatened against him. This was Isaac Gevliner at 46 Pitts Street in the heart of the east side Jewish center. David Zucher of 144 Orchard Street asserted that he was unable to buy any poultry at all, and declared that Rabbis had banded with the wholesale dealers to keep up the prices of chicken in preparation for the two-day religious holiday.

Morris Beger of 200 Rivington Street, a butcher, said he had been attacked by four men twice on the same day when he refused to deal with the "combination". Answering for the city's wholesales in poultry, William Simons denied that a conspiracy to boost prices existed. He admitted on questioning that there was a credit association in Harlem outside the Poultry Dealers Chamber of Commerce, but he said no violence had been used to obtain its objectives."

<u>Ottinger Warns Poultry Dealers, Attorney General Says He Will Not Allow Profiteering In Coming Jewish Holidays, Buyers Report Violence, Supreme Court Referee, In Public Meeting Will Hear Charges Of Price-Fixing</u> (Sept. 11, 1927 - N. Y. Times)

Attorney General Albert Ottinger issued a warning to live poultry dealers that he would prosecute any illegal attempt at price-fixing or profiteering in the sale of live poultry for the coming Jewish holidays.

Large quantities of live poultry will be used for the Jewish New Years and Yom Kipper.

He announced that a public hearing would be held in his office at 49 Chambers Street before a referee designated by the Supreme Court, on charges that a conspiracy existed to fix exorbitant prices during the holiday season.

Mass meetings have recently been held all over the east side, the Bronx and Browneville protesting against the feared high prices and against alleged assaults and intimidation of customers.

"I am here to see to it that no such thing will occur", said Mr. Ottinger. "These people who participate in such a conspiracy will have to answer to me."

"Through Assistant Attorney General William B. Groat Jr. I have been investigating the poultry market conditions and have become seriously concerned over the violation of law which has been perpetrated.

As the public knows, I have been doing everything in my power to help to make this industry respectable. I do not wish to destroy this industry, but rather to encourage it, provided it pursues decent business methods. For that reason the N. Y. Poultry Exchange, Inc. was organized.

I will not, however, tolerate abuses of the law pending the actual functioning of this exchange, and will prosecute all violators to the limit."

Mr. Ottinger made public letters he sent to the N. Y. Live Poultry Commission Merchangs Association and N. Y. Live Poultry Chamber of Commerce, declaring that he meant to assure the public of a supply of live poultry at a fair and reasonable price, and warning that he would not tolerate profiteering, price-fixing or allotment of customers in violation of the law.

<u>Retailer Says One Independent Was Attacked For Selling Poultry To Him More Abuses Laid To Chicken Dealers, Told Where He Must Buy, State Inquiry Into Poultry Trade To Be Pushed To Prevent Price Rise For Jewish Holidays</u> (Sept. 17, 1927 N. Y. Times)

Strongarm men employed by a combination of wholesale Kosher poultry dealers attacked an independent dealer who sells chickens to a retailer, and broke his right hand so that he could not slaughter poultry, according to testimony presented before Referee Joseph N. Rosalsky who is conducting an investigation into the industry at the office of Attorney General Ottinger, 51 Chambers Street.

Jacob Seiden, who has a retail market at 192 Orchard Street, said he had bought poultry from Sahn and Wolf, 609 East Nineteenth street, for five years, but that when he went there August 28th Abraham Wolf, a member of the firm, told him they could no longer do business.

"The association has agreed you must buy at Weirenberg's market," Seiden said Wolf told him. "I fought not to give you up; but the association had decided you belong to Weirenberg and you can't get chickens anywhere else."

"I belong to my wife and children and to no one else", Seiden said he answered. "No one has a right to give me away."

"Bigger men than you can't do anything," was Wolf's reply, according to the witness.

For the next three days Seiden said he bought chickens from a small independent dealer named Beilinsky's, who has a market in East Nineteenth Street. On the fourth day Seiden said that Beilinsky's partner, Abe Altman, told him they could sell to him no longer.

"Some men came in here and beat Beilinsky up," Seiden testified Altman explained. "They broke the hand he killed poultry with and he can't kill now."

After that Seiden returned to Sahn & Wolf and and is still buying from them, he said.

The Yorkvill Live Poultry Market, at 416 East Ninety-fourth Street, refused to sell to Abraham Friebrun, a retailer at 303 East Eighty-third Street, any chickens except seconds which he could not use, Freiorun testified. He said that when he appealed to Kaplan & Gold, wholesalers, at 526 East Eightieth Street, the killers there refused to slaughter for him and that Gold told him he would have to return to the other market. Freiorun said he threatened to go to the District Attorney and that he was told by some wholesalers that "the District Attorney wouldn't help you and no one else in New York City can help you, we are so strong."

Other testimony of a similar nature was heard, and Assistant District Attorney Groat said that conferences would be held over the week-end in an effort to insure a plentiful supply of Kosher poultry at fair prices over the Jewish holidays. All the wholesale dealers thus far mentioned in the testimony will be subpoenaed, Mr. Groat said. Samual Bernstein of 88 DeKalb Avenue, Brooklyn testified.

Mr. Groat read into the record a statement by Howard C. Forbes, President of the New York Poultry Exchange, expressing accord with the Attorney General and Health Commissioner Harris in "their endeavor to stamp out the violent methods of trade practices which are being indulged in to force high prices for poultry on the public during the coming Jewish holidays.

The investigation will be resumed.

Charge Gang Rule In Poultry Trade.
Retailers Declare Wholesale Dealers
Use Guerrillas To Force Illegal Prices
Testimony Bares Abuses. Ottinger At State
Inquiry Says Shocking Situation Exists With
Jewish Holidays Near. (Sept. 16, 1925 - N. Y. Times)

Guerrillas employed by wholesale kosher poultry dealers have attacked retailers and butchers who have defied them.

Proprietors of retail stores said that since the combination began its activities two months ago prices have been raised as high as twelve cents a pound. "I am pleased to say I have had cooperation of the Police Department which have done effective work and Health Commissioner Harris, who has developed facts which bear out the evidence we have gathered.

"I am not going to permit an increase of prices on the dawn of the Jewish holidays. I am perfectly willing that a dealer should make a fair profit, and I am not going to stand for any combination to compel the retailer to accept goods at an outrageous profit through moral suasion or violence. A most shocking situation exists in the poultry business of New York City, and my investigation has proved to me the necessity of this hearing. If I find any violence of the law, I shall turn my evidance over to the district attorneys concerned and shall assist in every way in the prosecutions." Joseph Blank of 709 E. Sixth St., who has a retail chicken market at 246 Rivington St., said that he was accustomed to pay wholesalers about three cents a pound above the price quoted at West Washington Market but that he now had to pay an advance of ten cents and more.

When he attempted to buy chickens from Kugler Bros. in Tompkins Street, he said he was told the price was 38 cents a pound when the market quotation was 24 cents. He said he made his purchase elsewhere, and that he was attacked by three men who took the chickens from his automobile and threw them into the street, warning him he would meet further trouble if he did not buy from his accustomed dealer. He testified that he had been compelled to pay whatever prices were asked and take birds with their crops full of dirt. Similar testimony was given by other retailers, some of whom declared they were threatened and forced to buy from certain wholesalers. Mr. Groat asked Referee Rosalsky to declare Samuel Bernstein, chairman of the Brooklyn Retail Poultry Dealers Association, in contempt for failure to respond to a subpoena.

Police To Help Curb Gouge In Poultry. Ottinger's
Office To Keep Watch On Conditions When Jewish
Holidays Start. (Sept. 27, 1927 - N. Y. Times)

Attorney General Albert Ottinger said his office at 49 Chambers

Street would remain open Sunday and members of the State and City police forces would be on hand to make sure that an open market and fair prices were maintained on Kosher poultry for the Jewish holidays.

The announcement was made through Assistant Attorney General William B. Great, Jr. at the Attorney General's investigation before Referee Joseph S. Rosalsky into complaints of the stifling of competition and other unfair practices in the live poultry trade. Mr. Great asked the forty retailers, wholesalers and commission men at the hearing to spread the word of the State's interest in the holiday sales.

"We will have State troopers and city policemen in this office," he said, "together with a representative of the Greater New York Live Poultry Dealers Chamber of Commerce and myself. It will be our purpose to see that poultry may be bought by any one who has the money to buy. We do so in order that the poor on the east side and elsewhere may be able to supply themselves in an open market at a fair price."

Testimony by Abraham Weinstein, a live poultry inspector employed by the slaughter-house men and others of the trade, brought out the fact that within the last few days freight cars of poultry had been piling up at the terminals and held off the market.

Herbert Frankel, President of the Commission Men's Association, said that if carloads were not held back from the market there would be such a fluctuation of prices as to harm the whole trade and inconvenience customers. Low prices one day would be followed by high prices the next, he said. The hearing was adjourned.

Poultry Dealers Pledge Fair Prices. State Inquiry Into Retailers' Charges Brings Promise Of An Open Market. Forcing Of Sales Denied. Wholesalers Assert They Will Sell To Anybody. Dr. Harris To Watch Situation.
(September 20, 1927 - N. Y. Times)

Attorney General Ottinger's investigation of the practices of live poultry slaughter houses serving Kosher butchers and chicken dealers, brought before the Jewish holidays to insure fair prices to consumers, resulted in a promise by the Greater New York Live Poultry Chamber of Commerce that sales would be made in open competition, that allocation of customers would be prohibited, and that the average profits on sales would not exceed five to seven cents.

The promise was made in a letter to Mr. Ottinger from Benjamin Simon, Supervisor of the Chamber, who enclosed a resolution to that effect from the organization, in which most of the slaughter houses hold membership. Mr. Ottinger read it at the resumption of the hearing, before Referee Joseph S. Rosalsky, at which four wholesale poultry dealers denied there was any effort made to force retailers to buy from any designated wholesalers, and protested that they "Would sell to anybody whose credit was good."

[illegible] and members of the State and City po-
lice forces would be on hand to make sure that an open market and fair
prices were maintained on Tuesday and Friday for the Jewish holidays.

The announcement was made by an assistant attorney general
[illegible] Thomas E. Dewey, in the Attorney General's investigation before
Deputy Tuesday E. Dewey [illegible] of the selling of coupons
[illegible] live poultry. Mr. Dewey
[illegible] and examination men at the hearing
[illegible] meet in the holiday sales.

"We will have [illegible] city policemen in this office,"
he said. Thereafter with a representative of the Brooklyn New York Live
Poultry Dealers Chamber of Commerce and myself. It will be our pur-
pose to see that poultry may be bought by any one who has the money to
buy. [illegible] be able to supply themselves in an open market at a fair price."

Testimony by Israel Weinstein, a live poultry inspector em-
ployed by the Commissioner of Markets, showed that the trade, brought out
the fact that within the last few months [illegible] of selling and
selling up at the terminals and [illegible] of the market.

Herbert T. Ansel, President of the Commission Men's Association,
said that if carloads were not held back from the market there would
be [illegible] of selling at the terminals and latter-
[illegible] the prices may be followed by [illegible]
[illegible] well.

[illegible]

Attorney General Dewey's investigation of the practices of
live poultry slaughter houses [illegible] and shippers
dealers, brought before the Jewish holidays to insure fair prices to
[illegible] promise by the Commissioner New York Live Poultry
Dealers of Commerce that sales would be made in open competition, that
[illegible] would be purchasers, and that the average pur-
[illegible] would be seven cents.

The promise was made in a letter to Attorney [illegible]
[illegible] Chamber, who endorsed a resolution to that
effect from the organization, in which most of the slaughter houses
hold membership. Mr. Dewey was in at the resumption of the hear-
ing, before Referee Joseph E. [illegible], at which four wholesale poultry
[illegible] who had been called in Lower Washington to be from
New Jersey [illegible], and protested that they "could sell to any-
body where credit was good."

Mr. Ottinger said he and Health Commissioner Harris cannot be interested in anything "that savors of price fixing", but that "in so far as this resolution attempts, however, to mean a fair and reasonable price as the result of real competition, we are interested in it."

"The adjustment of these prices, however, can in the opinion of the Commissioner of Health and myself be best ascertained by trained economists," Mr. Ottinger continued. "While that method might not at this moment be practical, it would be considered as a practicable requisite in the future."

"Commissioner Harris assures me that he is watching this situation very closely and will continue to do so. He is determined with me to see to it that no exorbitant or extortionate prices will be charged. He is watching carefully to see that the health of the people is properly protected, and I am with him."

Abe Wolf, a member of the firm of Sohn & Wolf of 609 East Nineteenth Street, and Harry Nierenberg, of M. Nierenberg & Sons, 87 Tompkins Street, wholesale dealers, denied that efforts were made to force retailers to buy from certain wholesalers. They and Louis and Isaac Kagler of 107 Tompkins Street declared they were looking for customers.

Wolfe and Nierenberg were questioned in detail, particularly Wolfe, in regard to how poultry was bought and sold, and it was developed that usually the purchases and sales were effected before consignments were received or the "market" known.

Irishman Headed Schochets.

There was amusement at the hearing when Wolfe described the operation of the chicken killers' union, which he said was composed of Rabbis or Schochets, all Jewish, but who at one time were headed by two Irishmen, one of whom was Jack Walsh. He also said that two delegates for this union, Tootsie Herbert and Harry Schulman, came one day in a Packard automobile to collect $3 dues from each of his four poultry killers.

There was more amusement when, after Isaac Kagler's examination was suspended because he apparently could not understand English, he broke out into that tongue when his brother Louis was being questioned about whether they filed an income tax. Later, on the stand, Isaac both understood and spoke English, and denied that the company made enough money to file a return.

Fohler Mentioned In Graft Inquiry. Witness Says Ex-Secretary Of Health Board Referred Him to Aid, Who Took Bribe. Action Merely Routine. Pecora Makes It Plain That Budget Head Is Under No Accusation And Won't Be

Subpoenaed. (Sept. 24, 1927 - N. Y. Times)

The name of Charles L. Kohler, Director of the Budget and former secretary of Board of Health, was mentioned for the first time by a witness in the John Doe milk graft inquiry before Supreme Court Justice Tompkins at the County Court House.

Aladar Brody of 475 Linden Boulevard, Brooklyn testified that he saw Mr. Kohler in connection with an application for a live poultry slaughter-house permit in the Bronx at the suggestion of a mutual friend, Dr. Samuel Buchler (Secretary of the Dock Commission). Brody said that Mr. Kohler referred him to Daniel Haggerty, clerk of the Special Service Division of the Health Department, and that later Haggerty (together with Inspector John S. McCauley) exacted graft payments totaling $1,000 from him before he could get the permit.

Assistant District Attorney Pecora, who is presenting to Justice Tompkins the evidence obtained by former Supreme Court Justice Charles H. Kelby in an investigation lasting more than a year, said that Brody's testimony simply indicated that Mr. Kohler had directed him to the official who should properly be seen in connection with an application for a permit. Nothing implicating Mr. Kohler, who is Tammany Hall leader in Judge George W. Olvany's district, had developed in any of the testimony given before Judge Kelbey, Mr. Pecora said.

Will Not Subpoena Kohler.

It was announced by Mr. Pecora that he had no intention of issuing a subpoena for Mr. Kohler. It later developed that his presence at the John Doe inquiry was "advisable". Mr. Pecora said he was certain Mr. Kohler would respond to any request to attend.

The Citizens Union has from time to time mentioned Mr. Kohler's name vaguely in connection with grafting in the Health Department. Mrs. Ruth Pratt, Republican member of the Board of Alderman, presented a resolution demanding Mr. Kohler's removal as director of the Budget at a salary of $12,000 a year, because she said she believed he should have known that grafting was going on in the Health Department while he was its Secretary. Senator Copeland, who was Health Commissioner during a part of Mr. Kohler's service, issued a statement defending Mr. Kohler's integrity and Mrs. Pratt's resolution failed of passage.

Mr. Kohler, who has denied any wrong-doing, has refused to reply to attacks by the Citizens' Union, and has characterized them as being of a political nature.

Brody's story fitted in with that told by Isaac Wickler, who said he and Brody had paid $1,000 to McCauley and Haggerty to expedite the issuance of a poultry slaughter house permit on Inwood Avenue, the Bronx. Brody testified he got an option on the site from Eugene Earl of White Plains, and applied to the Health Department for its approval.

He got no action, he said, so six weeks later he appealed to Haggerty, McCauley and Inspector Richard P. Walsh, former head of the Special Service Bureau. According to Brody the officials told him his application was "being investigated."

Brody said that later he saw Dr. Buchler, who told him Mr. Kohler was his friend and that he would see the Health Department Secretary in Brody's behalf. Two or three months afterwards Mr. Kohler referred him to Haggerty, Brody testified.

Touching on the alleged graft, the witness said it was paid in two installments - $500 when the building was approved and $500 more upon the approval of the plans for the slaughter house. It was Haggerty, Brody said, who called him on the telephone at the time the latter plans were approved. He said he cashed a $500 check and went down town to the Health Department building as Haggerty had directed. The two went to the ground floor, no one else was about, and Haggerty turned to him and said, "Well?" according to the witness. Brody said he thereupon gave him the money.

"How often did you make a request for the approval of your application before action was taken?" asked Justice Tomkins.

"Ten or twelve times", said Brody. "They told me there was objection from the neighbors."

Accuse Inspector Phillips.

Samuel Berlin of 783 Beck Street, the Bronx, owner of the United Ice Cream Company at 1896 First Avenue, testified to the alleged extortion from him of $100 by former Inspector Bartholomew Phillips. He said that Phillips found fault with his establishment and compelled him to make alterations which cost $7,400 upon threat of closing his business. While the work was being done Phillips inspected it and expressed satisfaction, Berlin testified, but after the alterations were complete he demanded $300 before he would approve the premises. Berlin said he told Phillips he could not afford that much and the inspector finally agreed to accept $100.

Monthly graft payments of $20 over a period of five or six months were exacted by Phillips from Samuel Rubin, who has space in the milk depot at 418 East 108th Street owned by Solomon Bagdanowski, Rubin testified.

Adolph G. Hoelderlein of 152 Bristol Street, Brooklyn, who said he drove a truck for Smith Brothers, wholesale milk and cream dealers at 818 East Eleventh Street, testified about hauling loads of bootleg cream from freight terminals to the Smith plant. He said the tags on the cars showed they came from unapproved dairies but that the railroad employees in the freight yards removed the incriminating tags and attached others which Hoelderlein brought with him from Smith Brothers. The names of approved dairies were on the latter tags, he said.

The hearing will be continued. Mr. Pecora said he expected to complete the introduction of testimony. Justice Tompkins later will file a written opinion listing what he considers prima facie cases and Mr. Pecora said he would present them to the Grand Jury.

Food Graft Charged To Two Ex-Officials.
Ice Cream Man Tells of $600 Pool By
Manufacturers For Director H. T. Taylor.
Poultry Man Gave $1000. R. P. Walsh Took
Cash, But Didn't Help, Witness Says -
Pensions Held Up.

Two retired employees of the Health Department, both on the service "honor roll", were involved for the first time by witness at the John Doe milk and poultry graft investigation before Supreme Court Justice Arthur S. Tompkins at the County Court House. No action was taken as a result of developments, but Justice Tompkins said that at the close of the hearing he would make a report indicating what cases should, in his opinion, be presented to the Grand Jury.

Hugh T. Taylor, former Director of the Bureau of Foods and Drugs, was charged with having accepted "gifts" from ice cream manufacturers - one of $600 and two of $100 each. Richard P. Walsh, former chief of the Division of Special Service, was accused of taking a bribe of $1000 from members of the New York Live Poultry Commission Merchants' Association to place more inspectors at railroad terminals during the poultry epidemic. He failed to carry out his part of the agreement, but did not return the money, according to the testimony.

Taylor, whose salary was $5,500 a year, retired. He was entitled, after twenty years of service, to a pension of half that sum or $2,750. Walsh retired, also after twenty years in the department. His salary was $2,250 and his pension allowance $1,625. Although Health Commissioner Harris has withheld the pension checks of both men since their retirement, neither of them has entered any complaint or taken any legal steps to obtain the money, it was said at the Health Department.

Tells Of Ice Cream Pool/

Samuel Berlin, formerly owner of the Community Ice Cream Company, 1896 First Avenue, testified that he and five other ice cream manufacturers "chipped in" $100 each for Taylor. The concerns, he said, were the United Ice Cream Company, The Grand American Ice Cream Company, Smith Brothers Ice Cream Company, The Martin Ice Cream Company and The Shapiro Ice Cream Company.

"It was before a holiday and we all agreed to give Taylor a present", Berlin said.

"Why a present?" asked Justice Tompkins.

"I don't know why it was."

"Yes, you do", persisted the Court.

"Well," Berlin went on, "Taylor was a man who never bothered anybody. I wanted to be in with the others. Morris Smith and I went to the Health Department together. Smith had the money, and we told Taylor about wanting to make him a present. Taylor wouldn't talk to me, so Smith remained and I went outside his office."

"Smith was the one who had the money", interjected the Court. "That is what talks."

Berlin said that when Smith joined him outside he said he had put the money in Taylor's pocket. It is expected that Smith will be called later. Ferdinand Pecora, Assistant District Attorney who is presenting the evidence, told the Court that Smith would be out of town for the next two weeks. It is possible, Mr. Pecora said, that the Statute of Limitations will bar prosecution.

Two $100 Gifts Alleged.

William Teitler of 314 Avenue P, Brooklyn, formerly an ice cream manufacturer at 8 Cannon Street, told of giving Taylor $100 twice.

"I didn't give it into his hands; I was afraid he wouldn't accept it", Teitler said. "I used to manufacture ice cream in a stable where there were horses and I decided to remodel it. I showed the plans to Taylor and he suggested changes. I appreciated what he had done and decided to give him a present. I placed the money in an envelope and put it in his outside pocket."

"Didn't he say to you, in substance, that if he likes you everything will be all right? Didn't you tell Judge Kelby something like that?" asked Mr. Pecora.

"He likes me all right; he thinks I'm a gentleman", Teitler answered.

Later in the summer, when Taylor was about to go on a vacation, Teitler said he gave him another present of $100.

The witness told of paying Inspector Morrison $10 a month for four or five months at the suggestion of another dealer. While the payments were made no complaints were entered against him, Teitler said. He told of Morrison's transfer and the appearance of Inspector Goldman, who, he declared, said he was "not as cheap as the other inspector."

According to the witness, Goldman at first demanded $25 a month, but finally agreed to accept $15. These payments continued for four

or five months, Teitler said, and continued after Commissioner Harris had assumed office.

Says Walsh Asked $1,000

The embargo placed on live poultry shipments was due to "foul pest" Charles Sahn of 2010 Avenue I, Brooklyn (former Chairman of the Executive Committee of the Live Poultry Commission Merchants' Association) testified. He said there had been great difficulty in getting shipments from States not included in the embargo through the four large New Jersey railroad terminals and that, at the request of members of the association, he went to the Health Department to see what could be done toward getting more veterinarians to make inspections. He was directed to Walsh.

"If you folks do the right thing, I'll see you get the veterinarians", he quoted Walsh as saying.

Sahn said Walsh asked him how many members the Association had, and when told there were twenty, answered, "Well, $1000 will be all right." Irving B. Dayer, president of the association, drew a check for $1,000 payable to Sahn's order, the witness said, and he met Walsh at Lucho's restaurant in Fourteenth Street and gave him the money after cashing the check. According to Sahn, no more inspectors were provided, and it was not until the association employed Ole Salthe, a former Health Department official, that the matter was satisfactorily arranged.

Halsey S. Hawk, a salesman for G. G. Hawk & Son, poultry dealers at West Washington Market, testified he got the check cashed for Sahn, but said he did not know what was done with it.

Charles Shapiro, formerly a dairy store proprietor at 363 Cherry Street, testified to paying $140 a month for "three or four months" to former Inspector David M. Newschtat, known in the Health Department as the "Millionaire Kid." He said Newschtat agreed to let him churn butter in return for the money and that he had at first demanded $50 a week. Justice Tompkins characterized the case as one of extortion and oppression.

"Newschtat said he would take care of the 'big man right in the office' out of what I paid him", Shapiro testified.

Federal Inspector Mentioned.

Shapiro said Newschtat did not mention the man's name. He denied he had told Judge Kelby anything concerning a Federal inspector named Laugley, despite repeated questions by Mr. Pecora. This is the first time there has been any intimation that Federal officials were named by witnesses called during the Kelby investigation.

A measure of corroboration was obtained from Abraham Kleinman, formerly a milk dealer at 353 Cherry Street, who said he saw Neusentat put money in an envelope and that he had given it to the inspector himself.

Abraham Wolfe, formerly in business at 347 Stanton Street, charged that Inspector Harry Kaufman took two payments of $550 each from members of the First Class Live Poultry Dealers' Association to close markets whose proprietors insisted on selling to retailers who owed association members. Wolfe said he consulted Kaufman about closing Simon Lapof's market at Pitt and Delancy Streets because Lapof insisted on selling to "any one who came in."

Kaufman wanted $750 to close the Lapof establishment, Wolfe said. He told of meeting other members of the Association and of making a bargain with Kaufman for $550 at the Health Department Building on the third floor.

"I think Kaufman went up to see somebody", Wolfe declared. "He was gone about ten minutes and came back and said he had seen 'the boss' and to 'make it $550 and everything will be O. K.'" Kaufman did not tell them who "the boss" was, according to Wolf.

Lapof's market was to be closed on Wednesday night and kept closed Thursday, as that was the day of the largest sale for the Jewish Sabbath - Saturday - Wolfe said.

"He was closed Wednesday night, the same day we paid the money, but it so happened that Lapof reached somebody and was open all day Thursday", Wolfe said.

$550 To Close Another Market.

On the same day Kaufman consented to close Lapof's market he also agreed to make Charles Schenzeit, a market man at 419 E. Third Street, shut up shop Wednesday night and remain closed Thursday, Wolfe told the Court. He said $550 for this service was paid to Kaufman a week later. Both sums were paid by checks which were cashed and the money given to the inspector, the witness said.

The payments to Kaufman also were testified by Barney Aswelinsky, a poultry dealer at 16 Avenue D and a member of the Association. He said Kaufman agreed to close any place the members wished for $550 a week. He told of drawing the money from the Chatham & Phenix Bank, 14th St. branch, and said he saw Kaufman receive it.

Lapof said a uniformed policeman was stationed in his market when the embargo was first placed on it. He went to the home of Thomas J. Clougher, then secretary to Health Commissioner Monaghan, told him only a few of his birds were diseased and asked his help, he testified. Lapof said Clougher telephoned to the Health Department and the policeman was ordered out, and he did business uninterruptedly the following day.

After his place had been closed, Schonozeit said he appealed to Inspector Walsh at the Health Department, but Walsh told him he could do nothing.

"I belonged to the Association and part of the money they gave Kaufman to close me up was actually paid them by me as dues", Schonzeit protested.

The day business was greatest Schonzeit said Walsh sent Inspector McCauley to his place and the embargo was lifted without any inspection being made.

Samuel Cohen, formerly with the Suffern Dairy Company, 425 Sherry Street, told the Court that former Inspector Charles F. Kelly caught Fred Suffern, the proprietor's son, watering milk one morning. Harry Marcus, another employee, told him $400 had been paid to Kelly not to prosecute, he said. This was denied by Marcus.

Testimony as to graft in many minor cases was given by other witnesses in the course of the day's hearing.

Morse M. Franke, editor of a baking trade paper, said he could name 300 bakers who had to pay graft to continue in business. He could give no names. Justice Tompkins told him to bring in as large a list as he could, to which time the hearing was adjourned.

Lawyer Accused As Food Grafter. Pecora
To Present Evidence To Grand Jury Involving
Bar Member In Scandal. New Disclosures Hinted.
Unidentified Man Said To Be In Position To
Name Others - Tompkins Ends Inquiry.
(Sept. 30, 1927 - New York Times)

Assistant District Attorney Ferdinand Pecora concluded the presentation of evidence in the John Doe milk and poultry graft inquiry before Supreme Court Justice Arthur S. Tompkins at the County Court House. Justice Tompkins said he would hold himself in readiness for further evidence for further sessions should occasion demand. Mr. Pecora will prepare a digest of the testimony, which involves some twenty former Health Department employees in about seventy-five distinct alleged crimes. After Justice Tompkins has studied it he will forward his finding to District Attorney Banton, indicating what cases he believes warrant presentation to the Grand Jury.

Mr. Pecora told the Court that in addition to the cases developed at the public hearings he would present directly to the Grand Jury evidence involving three persons already convicted in connection with Health Department grafting and "also another case where the allegation affects a member of the bar."

The three convicted persons are believed to be Thomas J.

Clougher, once Secretary to former Health Commissioner Kanaghan; Frederick W. Kautzmann, a former inspector; and William H. Kehoe, once Assistant Corporation Counsel assigned to duty at the Health Department. Clougher and Kautzmann are in Sing Sing and Kehoe's appeal from his conviction is pending before the Court of Appeals.

No Intimation Of His Identity.

No intimation was given as to the identity of the lawyer said to be involved. He has been referred to as the "Attorney General of the slaughter house grafters" in much the same way that Kehoe was termed "Attorney General of the milk graft ring".

It is understood that the unnamed attorney is regarded as being in a position to make sensational disclosures concerning poultry slaughter house graft, in which it is alleged a regular scale of prices obtained for the granting of permits ranging from $5,000 in Manhattan to $2,500 and less in other boroughs. Should the indictment and conviction of the unidentified lawyer follow, it is hoped that further evidence of the "greatest importance" will become available involving persons thus far unnamed.

Justice Tompkins will open the October term of the Supreme Court in Orange County at Goshen, and it is thought likely that District Attorney Benton will receive Justice Tompkin's findings. Following the adjournment of Court at Goshen, Justice Tompkins will hold another John Doe investigation in Brooklyn at the request of District Attorney Charles J. Dodd of Kings County. The evidence collected by former Supreme Court Justice Charles H. Kelby during his investigation of more than a year will be the basis of the inquiry, as it was of the hearings in New York County.

Two witnesses - Charles Sahn, a live poultry wholesaler at 614 Flushing Ave., Brooklyn, and David Danziger, in the poultry business at 730 Park Ave., Brooklyn - suffered lapses of memory at the morning session. After consultation with Hyman Bushel, their counsel, during the noon recess they returned to the stand with refreshed recollections in the afternoon.

Admits Fund For Bribery.

Sahn, in the forenoon, reluctantly admitted that he had told Judge Kelby that forty members of the Live Poultry Dealers Board of Trade had collected a fund of approximately $1,100 in the fall to be used in bribing Health Department officials to have three live poultry slaughter house permits rescinded after they had been issued to competitors. Sahn said he collected the money himself, but that the permits were revoked before he got it all and that he didn't remember what he did with it. Eventually, he said, it went back into the organization's treasury.

Sahn couldn't remember, he said, telling Judge Kelby and Major Ralph E. Henstreet, his assistant, that he went with the money to Richard F. Walsh, formerly at the head of the special service division of the Health Department.

"If you said so, it would be false, would it?" asked Mr. Pecora.

"Yes", said Sahn. "I never met Walsh or heard of his getting money. Somehow or other the permits were killed. I didn't know who did it. I had the money and was hunting around for some one to give it to."

After the noon recess Sahn said the greater part of the graft fund had been contributed by Danziger and himself, and that he contributed $200. Danziger told him, he testified, that he had given the money to former Inspector John S. McCauley.

"Danziger said", Sahn told the Court, "that McCauley asked him how much it would be worth to us to have the permits withdrawn."

"Why didn't you tell that this morning?" asked Justice Tompkins.

"Well," said Sahn, "I didn't want to get anybody in dutch."

"You heard the oath and swore to tell the truth? You didn't do it this morning?"

"No, sir."

Danziger testified that Inspector McCauley asked him how much the association would pay to have the three slaughter house permits rescinded.

"I asked him how they could get sites when I couldn't get one I wanted myself", said Danziger. "He took me out into the hall and said, 'Don't make any holler about; it won't do you any good. Maybe they are paying more than you.' I told him to name his price and he said he'd let me know, but the sites were rescinded somehow and McCauley never came around to collect."

"Did you tell Major Henstreet you paid McCauley?" Mr. Pecora asked.

"No, sir, and I didn't tell Sahn so either."

At the afternoon session Danziger remembered paying McCauley money.

"I saw him at the Health Department after I had raised the money", Danziger said. "I told him I had collected about $200. I don't remember whether I gave him $100 or more. I didn't count the money, and McCauley put it in his pocket."

Danziger remembered giving Inspector Quinn "a couple of chickens."

Harry Rosenthal, a live poultry dealer at 600 Whitlock Ave., the Bronx, corroborated part of the story previously told by Lorraine Wolfe regarding the bribing of Inspector Harry Kaufman to close the market of Simon Lapof at Pitt and Delancy Streets. He said he told Wolfe that Kaufman had closed markets for him in the Bronx and that, at Wolfe's request, he introduced him to Kaufman. Wolfe told him, he said, he wanted some rivals put out of business temporarily.

<u>To Argue Test Motion In Poultry Trust Case. Defendants Will Ask Court To Void Information Filed By Government.</u> (Sept. 30, 1928 - N. Y. Times)

The strength of the Government's position in its attack on the alleged poultry trust will be tested when Federal Judge Winslow will hear arguments on motions of counsel for a majority of the seventy-two defendants to compel the withdrawal of the information filed against them and for a dismissal of the proceedings on the ground that no interstate law has been violated. The Government, through Israel S. Oseas and Walter L. Rice, assistants to the Attorney General, is prosecuting on allegations charging criminal violation of the Sherman Anti-Trust Law. The defendants are accused of organizing the Greater New York Live Poultry Chamber of Commerce for the purpose of creating a trust.

Mr. Rice said that the motion seeking withdrawal of the information is on the ground that the alleged violations of the Sherman Law were not committed in interstate commerce and also that the courts lack jurisdiction.

"The Government's information charges", said Mr. Rice, "that there have been restraints of interstate commerce, but no evidence on which these charges are based is revealed in the information."

Mr. Oseas, commenting on the motion, said:

"It challenges the entire system of prosecuting by information instead of by Grand Jury indictment, since the defendants would require the Government to reveal a part of its evidence before trial. It is the Government's position that the oath of the prosecuting officer contained in the information should be sufficient to show probable cause that crime has taken place. If the Government's good faith and assurance that there is probable cause for the prosecution can be effectively challenged before trial by the defendants, then the system of prosecuting by information now commonly used would be substantially weakened, and Grand Jury indictments would have to take its place."

Mr. Rice, who will argue against the motion, says that this will be the first time that such a contention has been raised in similar proceedings.

GOVERNMENTS Procedure In Its
Inclusion Of Chamber As Defendant
Sustained Finding Is Called Vital.
Prosecutors Say It Prevents Claim
Of Exemption On Ground Of Non-
Corporation. (Nov. 8, 1923)

Federal Judge Winslow declared that the Government had proceeded properly in its Sherman Law Prosecution of the Greater New York Live Poultry Chamber of Commerce and 88 individual defendants, by including the chamber among the defendants and by filing information against all of them instead of making indictments. The decision removes the last barriers erected by counsel for the defense to the trial of the case.

The Court refused to review the action of Judge Coleman in permitting the filing of the information. John Harlan Amen and Israel S. Oseas, special assistants to the Attorney General, who are in charge of the prosecution, said that the decision was of vital importance in all prosecutions waged in a similar manner. Mr. Oseas said:

"Had the defendant's contention that the Chamber of Commerce was not subject to prosecution been accepted by the Court, it would have meant that any combination in restraint of trade might have claimed immunity from criminal prosecution on the ground that it was not incorporated. Such a decision would have greatly weakened the power of the federal courts in enforcing the law. The Court has sustained the validity of a most important method of prosecution."

Commenting on the fact that the Chamber could only be punished by a fine, Judge Winslow said in his decision:

"I am of the opinion that the Sherman Act was intended to cover a defendant of this character. I do not believe a combination of persons having a definite character, with officers and directors, although unincorporated, is exempted from the provisions of the statute."

Poultry War Arrest Scored As Frame-Up
Accuser Himself Is Held
Witnesses Disregarded
January 24, 1929

Denouncing the case as an "obvious frame-up" Magistrate Silberman in Jefferson Market Court dismissed a complaint of felonious assault against Joseph Hasenfratz, independent poultry dealer whose home at 920 Dumont Avenue, Brooklyn, was bombed, and held Arthur Herbert an alleged leader of the poultry "ring" for the grand jury on a counter complaint made by Hasenfratz.

Both Hasenfratz and Herbert have figured prominently in the long drawn-out "live poultry war" in which allegations of terroristic methods have been frequent. Herbert and his brother Charles were arrested in con-

nection with the bombing of Hasenfratz's home, but were discharged when no one appeared against them.

Charles Herbert was subsequently murdered in an east side restaurant and Arthur Herbert was among the ninety-one defendants indicted by the Federal Grand Jury for conspiracy to violate the Sherman- Anti-Trust Act. Hasenfratz had been one of the leading Government witnesses in the grand jury investigation.

Each had caused the other's arrest after an altercation in the Washington Market in which Herbert alleged, Hasenfratz had drawn a pistol and threatened "to blow your brains out", and Hasenfratz charged that Herbert had driven his automobile on the sidewalk in an effort to run him down.

Two witnesses, Henry Boyle and Irving Katz corroborated Herbert's story and according to his counsel James D. C. Murray, two others were present ready to give the same testimony, but were not called because Mr. Murray considered it unnecessary. Hasenfratz was unable to produce any corroborating witnesses. Walter L. Rice, special assistant to the Attorney General in the investigation of the poultry ring, said later that sixteen Federal agents had combed the section for witnesses for Hasenfratz but had been unable to find anyone willing to appear in court on his behalf.

Magistrate Calls Stories False

Declaring that he was not "fooled by false stories", Magistrate Silberman discharged Hasenfratz and held Herbert in $5,000 bail. He asserted that it was inconceivable that under the circumstances alleged by Herbert and his witnesses Hasenfratz would not have shot his antagonist, or that Herbert and his friends would not have seized him after he had replaced his gun in his pocket, as they alleged.

Mr. Murray said that he was confident that grand jury would throw out the case against Herbert and would indict Hasenfratz. He declared that Magistrate Silberman's section was "against the preponderance of evidence."

87 In Poultry Case Plead Not Guilty
Warrants Issued For Four That Had Failed To Answer Trust Charges
Grand Jury 550
Special Federal Prosecutor Says Case Is Biggest Of Kind Here In More Than 25 Years
January 29, 1929

Pleas of not guilty were entered before Federal Judge Goddard by 87 of the 91 defendants named in an indictment charging violation of the Sherman Law in the creation and operation of a poultry trust. Four defendants did not appear and bench warrants were issued for their arrest. Two of these were Joe Goldman and Simon Lepoff. The other two

whose surnames were not known were called Irving and Philip Doe.

Of the 91 defendants three are associations,-the Greater New York Live Poultry Chamber of Commerce; Local 167 of the International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers; and the Official Orthodox Poultry Slaughterers of America. The first two of these are unincorporated, and counsel for the Chamber of Commerce argued that as the Chamber had no legal existence no criminal charge could be made against it.

Israel B. Oseas, who is associated with Walter L. Rice as special assistant to the Attorney General, told the court that a decision of the U. S. Supreme Court held that a voluntary unincorporated association might be treated as a legal entity. He said that the point had been decided in favor of the government in the same proceeding by Judge Winslow. Mr. Oseas said that if the chamber persisted in refusing to plead he would move for a writ to sequester the property of the chamber to guarantee the payment of any fine imposed by the court. A plea of not guilty was then entered in behalf of the chamber.

The bail in which the defendants are held aggregates $244,500. Mr. Rice said that more than 400 witnesses were examined before the grand jury in the seven months prior to December and that 150 more were questioned in December and up to the filing of the indictment. He said it was the largest conspiracy case in the Federal Court in the district for more than 25 years. He thought the trial would begin in about six weeks and would last about eight weeks.

Mr. Oseas said that the government now has 2 poultry conspiracy cases before the Federal courts, one in the form of an information against 70 defendants, and the present indictment, in which 91 defendants are named. More of the defendants named in the information are included in the indictment.

"The indictment", Mr. Oseas explained, "charges a monopoly throughout the live poultry trade aggregating more than $50,000,000 a year. It alleges that the Chamber of Commerce, an organization of wholesale poultry dealers in Greater New York, has employed persons known to the trade as gangster to perpetrate the monopoly and maintain prices. The methods alleged in the indictment include allotment of retail dealers, spying upon them, levying tribute and other unlawful acts, such as the cutting of tires of recalcitrant dealers, placing bombs, using poisonous gas, and by threats and violence of a general character, creating a feeling of terror throughout the poultry trade."

Confer On Kosher Laws
Jewish Leaders Talk With Dwyer About Stricter Enforcement
May 29, 1928

With the object of devising methods for stricter enforcement of the Kosher food laws in the metropolitan district a group of eight

Rabbis and representatives of six Jewish organizations conferred with Markets' Commissioner Thomas F. Dwyer in the Municipal Building.

Benjamin Koenigsberg was elected chairman of a temporary organization and Harold Cologor, an attorney of 302 Broadway, will act as secretary. While no definite action was taken, Commissioner Dwyer's suggestion that the city be zoned with special supervision in each district met approval. Mr. Cologor suggested a city wide conference at a later date. Enforcing the Jewish Dietary Laws involves a serious problem, it was said, because of the growth of the practice of representing non-Kosher foods as Kosher. The Kosher food industry in New York was said to amount to $150,000,000 a year.

State Senator Henry Kleinfeld and Assemblyman Samuel Mandelbaum attended the conference. Jewish organizations represented included the Union of Orthodox Congregations, the Union of Chassidic Rabbis, the Federation of Orthodox Rabbis, the Rabbinical Board of New York, and the Kashruth Organization of New York State.

90 In Poultry Case On Trial Tomorrow
Federal Court Makes Extensive Preparations For Its
Largest Group of Defendants
"Bleacher" Seats Built
Hundreds Will Have To Occupy Room 66 By 37 Feet
While Sherman Law Charges Are Tried
October 6, 1929

"The trial of the 90 defendants - 87 individuals and 3 organizations - indicted on a charge of violation of the Sherman Law by creating a poultry trust will begin before Federal Judge John C. Knox. Elaborate preparations have been made to accomodate the largest number of defendants ever tried at one time in a Federal court, the 150 veniremen, more than a dozen counsels and their assistants, many witnesses and the newspaper men.

The trial will be held in one of the largest court rooms in the Federal Building. It is on the third floor and is 66 by 37 feet. In an effort to make the space fit the demands, tiers of seats have been built like those in the bleachers of a baseball park. These seats will be reserved for the defendants. They are against the wall opposite the jury box so that the occupants of each may look upon the other, as the law intends.

These newly installed seats run back to the long benches in the rear of the room, which are usually occupied during trials by spectators. But on this occasion many of those using the benches will be able to see nothing but the legs of the defendants and to hear very little, for the acoustics of the court room are poor.

The government will be represented by Israel B. Ossas, Walter L. Rice, and Seymour D. Altmark. Some of the counsel for the defend-

ants are John W. H. Grim, Edward W. Brucker, and Samuel Abramams.

Since the filing of the indictment there have been many court moves for delay by counsel for the accused, but the government has met each successfully.

The indictment explains that for many years a large and important part of the trade and commerce in several States has been the shipment of live poultry into this State. It is explained that the market men having their places of business in this State cause the poultry to be slaughtered and then sell it to customers dealing in freshly killed poultry. The bill says there is a large and continuous flow of shipments among the various States into the metropolitan area and that the value of the poultry exceeds $56,000,000 annually.

The members of the New York Live Poultry Chamber of Commerce, a defendant, are charged with having engaged in hindering, preventing, and restraining persons and firms engaged in the trade from carrying on their business except under conditions, it is charged is one that all butchers purchasing live and freshly slaughtered poultry trade only with those market men designated by the alleged conspirators and pay prices fixed by these defendants.

It is also charged that punishment has followed any infraction of the rules laid down by the Chamber and its associate and that this punishment consisted in part in threats of personal violence and assaults upon poultry dealers, butchers, marketmen, and their families, customers and employees. The bill, in three printed pages, tells of acts of violence by the defendants to enforce their will.

Some of the acts of violence charged in the indictment are: creating and attempting throughout the industry a feeling of fear and terror, detaining, destroying and damaging vehicles used in conveying live poultry, destroying and damaging poultry, placing bombs containing explosives, incendiary matter, and poisonous and suffocating gases in the places of business and vehicles of independent dealers and forcibly preventing the delivery of poultry, the refusal of the members of the Chauffeurs' Union, a defendant, to load or carry their poultry, collecting from and making levies upon dealers, and the general use of threats, violence, and boycott.

Other efforts of the defendants to confine the trade within their own control are alleged to have been the coercing of marketmen to employ more persons than they need, and refusal of the Shochtim Union, a defendant, to slaughter poultry of the independents, assembling riotous and threatening gatherings near their places of business, paying large sums to dealers to induce them to discontinue their business in whole or in part in this city, employing gangsters for purposes of assault and intimidation.

Following are the names of all the defendants:

Azwolinsky, Barney
Berman, Al
Bistretsky, Charles
Chast, Morris
Conlin, John J.
Damsky, Morris
Firestone, Carl
Frankztlr, Hyman
Franzel, Abraham
Gerber, Morris
Gold, Samuel
Gordon, Mender
Greater N. Y. Live Poultry
Chamber of Commerce
Gershowitz, Chas. (Alias "Charlie the Bum")
Haber, Isidore
Herbert, Arthur (Alias "tootsie Herbert)
Herbert, Emanuel
Hornstein, A.
Josselson, Morris
Kaplan, Isaac
Kaufman, Davis (Alias "David Silver")
Rosenstein, Sidney
Schiller, Louis
Koslow, Jacob
Lapof, Simon
Liskin, Samuel
Local 167 of the International Brotherhood of Chauffeurs, Teamsters, Stablemen and Helpers of America
Newman, Abe
Official Orthodox Poultry Slaughterers of America Inc.
Reisner, Jacob
Rosenstein, Julius
Schonzeit, Harris
Shapiro, Kalman
Silverman, Samuel
Simon, Benjamin
Simon, William
Spatz, Louis
Susnick, Paul
Weinberg, Louis
Wernick, David
Wolf, Abraham

Azwolinsky, Morris
Berman, Herman
Brown, Morris
Cohen, Louis
Damsky, Jacob
Doe, Phillip
Frank, Isidore
Frankfater, Jacob
Frisman, Morris
Grantz, Max
Goldman, Joe (Alias "Nigger")
Gorden, Morris
Gross, Kalman
Haber, Hyman
Harrison, Abraham
Harrison, Samuel
Hellman, Morris
Herbert, Charles
Herbert, Harry
Hirshon, Dave
Isaacson, Samuel
Kadin, Samuel
Kassoff, Leo
Keslin, Max
Rosenstein, Murray
Sahn, Samuel
Klieger, Morris
Lax, Michael
Levy, Goodman
Lipshitz, Isaac
Manber, Samuel
Manne, Samuel
Matofsky, Herman
Mirotznik, Charles
Nierenberg, Hyman
Pepper, Morris
Roby, Hyman
Rosen, Max
Schonzeit, Charles
Scull, Joseph
Shomer, Harry
Simon, Benjamin
Supervisor of Chamber of Commerce
Steinberg, Aaron
Susnick, Sidney
Weissler, Aaron (Alias "Arkie")
Wolas, Max
Yarmouth, Irving

The length of the trial can be only conjectured, but it was

said that it would undoubtedly last for several weeks. It was suggested that the number of defendants might be reduced as the trial proceeds. One defendant, it was reported, was ready to plead guilty, and the hope was expressed that at least one more would follow his example.

84 In Poultry Trust Tried in Bleachers
October 8, 1939 (N. Y. Times)

"Grouped in a special wooden grand stand erected in the court room seventy seven officers and members of the Greater New York Live Poultry Chamber of Commerce, three officers of the Official Orthodox Poultry Slaughterers of America, Inc., and four officers of Local 167 of the International Brotherhood of Chauffeurs, Teamsters, Stablemen and Helpers of America were placed on trial in the Federal Court as a body which had violated the Sherman Act. In 6 rows banked one higher than another they looked down on Assistant U. S. Attorney Israel S. Obsas as he told the jury they were conspirators. They made it as much as a man's life was worth to go down to West Washington Market, in defiance of their regulations, and attempted to buy poultry, he said, as he outlined the government's case. They maintained and still maintain a reign of terror over the $50,000,000 live poultry business of the metropolitan area (practically all in chickens) whereby they assessed the market not less than $500,000 a year and pushed the price of freshly slaughtered Kosher chickens up 10 or even 15 cents a pound. While the 84 defendants, in mass formation, confronted the 12 jurors who are to pass a single judgment on them two opposing teams of lawyers contended in the small space in front of Judge John C. Knox. From the outset the encounter was as unprecedented as the setting. Before the jury was chosen Arthur Sager, who said he represented about 70 of the defendants, attempted to set his huge body in one of the seats of the defendants, and rose to make a plea that the structure was not only uncomfortable but unconstitutional on the ground that the men in the upper rows of the bleachers (as he called the defendants' stand) were being separated from their constitutional right to counsel. He moved to adjourn the trial until the stand was torn down and replaced by chairs with backs from which defendants could come to consult with their counsel when any evidence was being received against them. 'But', said Judge Knox who had approved of the stand before it was erected, 'in this court, under the common law, the defendant never sat at counsel's elbow.' The defendant was standing in the dock. Without disposing of the motion to tear down the stand, however, Judge Knox said he would proceed to impanel the jury. Mr. Sager said he would then ask the court to include in the record of the trial two photographs. He wished first to photograph the bleachers empty, to show the benches to be bare twelve-inch planks on which seats were partitioned off by five inch vertical planks at uniform intervals of sixteen inches no matter what the dimensions of the prisoner might be. The second

photograph would show the bleachers filled with the defendants. 'In the stands erected in this court', Mr. Sager said, 'the defendants are held up to ridicule in a way unwarranted by our procedure. It is un-American. Further, I myself sat in one of those seats and I know what it is. It is a cruel ordeal in a trial as lengthy as this will be.' By the end of the four hour session well nourished poultry dealers were squirming restlessly in their tight seats and two of the 84 defendants plead guilty after the jury was dismissed. They were Benjamin and William Simon of the Poultry Chamber of Commerce. They will be sentenced after the trial is concluded. The remaining 82 defendants were told by Judge Knox to return this morning at 10:30 for a resumption of the trial. 'Don't forget the numbers on your seats, boys, and take the same numbers when you come in tomorrow', the court attendants cried. 'And take off your hats. Hats off! Hats off!' When they were marshalled into formation earlier in the day the defendants were in good humor and willing to help by shouting names back into the hall to bring up the proper Rosenstein among the three on trial, but all had trouble with their hats. The dealers were accustomed to wearing them in the market and the orthodox slaughterers wore them reverently in their synagogues and for 15 minutes while they were being properly seated in their grandstand. The shout 'Take off you hat' became almost a ritual chant of the court. The proper seating of the defendants on the grandstand numbers assigned to them was an important part of the procedure because they were identified by the court officers and by the lawyers only in their seat positions. The court officers checked up attendance by observing two vacant seats among 86 provided and thereby it was established that '77' - David Fernick - had plead guilty and that '40' - Louis Cohen - was kept away by sickness and must be tried separately, later. Accounting for the 90 characters named in the indictment it was explained that no seat was provided for the legal character known as 'Doe', an offender never apprehended but in this case known as 'Irving Doe'. Further, there were no seats for the 3 indicted corporate bodies, The Poultry Chamber of Commerce, The Slaughterers' Corporation, and The Chauffeurs' Union, which were represented only by counsel at the bar. The 82 seated defendants with whom the trial will proceed today represent an aggregate bail of about $500,000. They are kept, during court hours, in a wooden grandstand costing $417, which is designed to carry a load of 20,000 pounds. The collective nature of the charge caused Judge Knox to rule that the defense counsels were entitled to only 3 jury challenges for everybody in the grandstand. The occupants of the grandstand were so remote from all this that they followed the selection more like an audience than like defendants exposed to 3 years in jail and $15,000 fine each. They nudged each other and made jokes as jurors were called and dismissed. The defendants were so removed from the proceedings that it was not until they had been 3 hours under way that Judge Knox asked, 'Is it true, as has just been represented to me, that some of these defendants are not represented here by counsel?' None of the defendants replied, so the

trial went on. Although the defendants have denied that they are a monopoly, they asked Judge Knox recently to recognize that they represent such an important group of poultry dealers that the chicken business will be paralyzed if they are kept on trial 6 weeks in his court as the opposing counsel anticipates. They expressed apprehension that the supply of chickens for Thanksgiving, Christmas, and New Years might thereby be dislocated. Judge Knox decided, however, that he would concede to them only an adjournment this week on Thursday and Friday, and further on Monday, to allow for the supply of Yom Kipper poultry and the conclusion of the Jewish high holy days. Because of the anticipated length of the trial, with at least 100 witnesses for the prosecution and as many for the defense, it was difficult to obtain jurors. Almost 50 out of 100 were excused because they could not leave their businesses so long. Mr. Sager rose at this point and said, 'I have been informed by some of the defendants whom I represent that a person has been circulating through the corridors suggesting that they change their pleas to guilty, and offering them inducements.' 'If that is so', said Judge Knox, 'I want to be informed of it immediately.' Mr. Sager continued, 'It is apparently a man named Lyons who is, or who represents himself to be, in the employ of the government.' Assistant District Attorney Oseas jumped to his feet to disown Mr. Lyon as an agent of the prosecution. He explained that the man was probably Reuben Lyons, an insurance solicitor, who was later to be a government witness. For the government, U. S. Attorney Charles H. Tuttle who was present at the opening of the Court, placed the prosecution in the hands of Mr. Oseas with the assistance of Walter L. Rice and Seymour Altmark. For the defendants, in addition to Mr. Sager, counsel included S. H. Kaufman, Julius Hallheimer, Abraham Wenman, Edward F. Drucker, John W. H. Crim and Samuel Abrahams."

82 In Poultry Trust Ask Trial By Proxy
Declare City's Supply Will Be Blocked If They Must Sit
Through Six Week Session
Request Denied By Court
Judge, However, Permits Those In Three Tiers Of Grand
Stand To Find Other Seats
One Juror Is Replaced
Finds Fellow Lodge Member Among Defendants and Declaration
Of Mistrial Causes Hour's Delay
October 9, 1929

"The poultrymen, who were assembled in the special eighty-six seat grandstand in the Federal court for the second day of their collective trial under the Sherman Anti-Trust Law, told Judge John C. Knox, through their counsel, that their further attendance in court would paralyze the live chicken supply of the metropolitan district.

On their behalf, Arthur H. Sager suggested to the court that the poultrymen be allowed to go about their business on their aggregate bail of $500,000 while their lawyers defended them in their absence. As an alternative he suggested that one member of a partnership remain in court while the others satisfied the demand for live chickens.

He said, and the government conceded, that the men ranged on the six rows of bare grandstand seats, represented fully half of the $50,000,000 live poultry business of the city, and that eighty per cent of their supply was 'consumed by those of Jewish faith.'

'Because of the charges so recklessly and improvidently made by the government', Mr. Sager pleaded, 'these members of the Greater New York Live Poultry Chamber of Commerce are assembled here in a Federal court, while a similar chamber in New Jersey is meeting in Trenton and the national chamber is meeting in Washington for the improvement of the business. If there can be an accommodation of these defendants it will result in real service to the public and prove undue loss to these defendants. They are facing practical bankruptcy if they all remain here.'

Judge Knox considered the request and said, 'It resolves itself into a question of convenience in having them here for identification in connection with acts said to have been performed by them.' He turned inquiringly to Assistant United States Attorney Israel B. Ooms who is prosecuting the case. 'On behalf of the government I object most strenuously', said Mr. Ooms. 'It is a novel and unwarranted proposal under the law. I have gone into the question with some care and I have the authorities running back to an English case in 1765. The authorities are absolutely uniform that, without the consent of the prosecution, a defendant should not be excused in a criminal case.'

So it was decided that the seventy-seven officers and members of the Greater New York Live Poultry Chamber of Commerce, together with three officers of the Official Orthodox Poultry Slaughterers of America, Inc., and four officers of Local 167 of the International Brotherhood of Chauffeurs, Teamsters, Stablemen and Helpers of America indicted with them should all remain in court during the trial (which is expected to take about six weeks) no matter what happens to the Kosher chicken supply.

In compensation, however, Judge Knox liberated the upper half of the grandstand from the hard, narrow seats which counsel on the opening day described as uncomfortable and unconstitutional.

'You men who are up there in the top three rows', said Judge Knox, looking up at them from the bench which usually dominates the

court-room, 'I am solicitous for your comfort. You are sitting in the draft of the window tops. All those on the three upper rows may move to seats in the rear of the court-room.' The three top rows began to empty, but three of the poultrymen who apparently did not realize what a point their counsel had made of the 'cruel and un-American humiliation' of sitting in such a structure, remained where they were. 'How about you, gentlemen?' the judge said invitingly to the three, waving to the benches with backs in the rear of the court-room. 'We're all right here', said one, and the other two nodded. At every interval poultry men who found they could neither hear nor see so well in the rear benches of the court climbed back into the grandstand until the day ended with almost as many on the plank seats as before.

The day's proceedings opened with the declaration of a mistrial because one of the jurors, in his progressive scrutiny of the massed defendants in the grandstand, finally discovered the face of an old friend who belonged to the same lodge of Odd Fellows. As this was Benjamin Simon, supervisor of the Poultry Chamber of Commerce and one of the principal figures in the case, Judge Knox declared the trial would have to be started again with a new juryman. By consent of both sides only the Odd Fellow was replaced and the trial was re-commenced with only a total loss of about an hour. 'Nothing in this situation reflects upon Mr. Simon, the defendant', Judge Knox cautioned the eleven jurors who were held over from the first trial.

Meanwhile another poultryman made his peace with the government. According to Assistant United States Attorney Osens, the part of the case which referred to Hyman Mitovsky will be dropped. That will leave five empty seats in the 86 seat grand stand today, since there were two vacancies at the outset - representing an illness and a plea of guilty; and two men plead guilty at the end of the first day. After court adjourned last night a disconsolate group of poultry dealers in the corridor said it would cost them more in their business to hold out for six weeks to prove their innocence than to plead guilty and pay a $10,000 fine, if they could only be sure of walking out without a prison sentence.

Their counsel, Mr. Sager, outlining his case, said the charges of terrorism brought against them were 'as weird as the bleachers in which these defendants are seated.' He said the poultry chamber was designed to help chicken dealers who were 'not entirely familiar with our institutions and language, by means of an organization that could get things from our politicians. I mean our office holders.'

Benjamin Simon, supervisor of the Chamber, was individually defended by Julius Hallheimer, who pointed out to the jury that Mr. Simon after 15 years of service in the Attorney General's office, applying the State laws against monopolies, was placed by their Attorney

General A. Ottinger at the head of the Kosher poultry business. 'Mr. Simon tried to put some stability into the live poultry business and remedy abuses,' Mr. Hallheimer said, 'and he had enemies among whom he had previously investigated as Assistant Attorney General.'

They asked for injunctions against his poultry chamber in the State's court repeatedly and were denied. That is why they came here to the Federal court. Beginning with the first witness called by the government, the group of veteran defense counsel moved in flexible combinations against Assistant United States Attorney Oseas. They attempted to prove that the commerce which the defendants are charged with monopolizing is not interstate and consequently the trial has no place in the Federal Court.

They asked Herbert Frankel, president of Sol Frankel, Inc., commission merchants, whether he was the owner of the live chickens he received from other States and sold to the defendants to be killed in New York City, but Judge Knox ruled that that was asking for a conclusion.

Finally Samuel Kaufman, of the defense, asked, 'When you received this live poultry, you were required to carry all this of shrinkage, of loss and destruction, and all credit risks on resale to these defendants here and others like them?' 'Yes', said Mr. Frankel.

'In your income tax, did you record yourself as purchaser?'

The Judge said he could not allow that question."

Poultryman Tells How Ring Operated
Brooklyn Dealer At Trial Of 31 Reluctantly "Remembers"
That "Trust Persecuted" Him
Also Asserts Boycotts and Fights Followed His Refusal
To Pay Tribute
Defendants Arrive Late
October 10, 1929

"The poultry trust trial in Federal court was adjourned in order to permit these defendants to take care of the holiday trade. The 31 defendants, who are accused of monopolizing and terrorizing the $50,000,000 live poultry business in violation of the Sherman Act, were warned by Judge Knox that their devotion to business will not be accepted as an excuse for coming late. Despite the refusal of their plea the previous day for trial by proxy, thirteen straggled into the court room after Judge Knox had started the trial in their absence. 'I do not want a repitition of this', Judge Knox warned. 'Hereafter any chicken dealer who persists in being late

will be kept in jail during the six weeks or more which the trial is expected to be in progress. The third day of the trial was taken up by the testimony of Max Harnett, 429 Hegeman Avenue, Brooklyn. He said he was a poultry dealer, like those in the wooden bleachers, which the Federal court had provided for the defendants, but, although he was produced as a prosecution witness, he said his 'difficulties' with the organized poultrymen had been settled. 'I personally had nothing to do with this settlement', he said, 'but I know there was a settlement made.' He was reluctant to contribute any more, and said 'an injury to my jaw hurt my memory.' The defendants chuckled and nudged each other. Then Assistant United States Attorney handed him the testimony he gave before the Grand Jury and having read it, he was suddenly aroused to anger and his memory was suddenly refreshed. He then told of fighting the organized poultrymen; of selling fresh slaughtered Kosher chickens to any butcher who wanted to buy; of being told by commission merchants who received the chickens alive in carload lots from other States that they could no longer supply him; of going to Bridgeport, to Newark, to Philadelphia, and even Baltimore, and trucking his live chicken supply back to Brooklyn; of his truck tires being slashed at Washington Market. He also told of the walk-out of his orthodox Kosher slaughterers and of fist fights, but he did not seem terrorized as much as embarrassed at the presence of the grandstand full of defendants.

Tells Of Organizing

Mr. Harnett admitted that he was one of the charter members of the first group of such market men brought together over Gobel's restaurant in Brooklyn, July, 1926, as he said, 'to organize the business.'

He testified that practically all the market men in the Brownsville and East New York sections of New York met weekly in this association to divide the businesses and list those butchers who 'belonged' as customers to each one; and that at these meetings Dave Hirsson and Sam Sann (two defendants) did all the talking.

'They told us', said Mr. Harnett, 'to add 7 cents a pound to the price we paid for the chickens and to turn in one cent of that to the organization treasury to pay expenses and hire men to protect the business.'

'Did they describe this protection in further detail?' asked Assistant United States Attorney Osens.

'No, we knew what they meant', said Mr. Harnett with a smile at the defendants in the grand stand.

'What was your understanding of it?' Mr. Osens persisted.

'When I quit the Brooklyn organization Hirshon told me what I could expect,' Mr. Harnett said later. He said the walk out of his orthodox killers was ordered on the eve of the Passover and again on the eve of Rosh-ha Shanah in 1928. He said that Charles Herbert, a defendant, came into his market and that they came to blows and that Herbert, in retreating, picked up a four-foot iron trough used for catching chicken blood and hit Harnett's father on the head. 'Did any other marketmen ever complain to you about paying the levy of one cent to the Brooklyn organization?' the prosecutor asked. 'Sohn Kadin told me he couldn't afford to pay it', Mr. Harnett replied. 'Is he in this court?' the prosecutor asked. Mr. Harnett identified Mr. Kadin on the grandstand among the defendants. 'I offer this', said the prosecutor to the court, 'on the theory that any contributor to the fund is a co-conspirator.'"

Witnesses Balky In Mass Trial of 81
Are Obviously Reluctant To Testify Against Poultry
Trust, Prosecutor Says
Two Identify Herbert
Two Others Decline To Say He Is Man Who "Trailed" Poultry
Truck From Philadelphia
October 16, 1929

"The poultry trust trial was resumed in Federal Court here with the prosecutor complaining that his witnesses were obviously reluctant to testify.

Four times Arthur Herbert, delegate of the poultry drivers and helpers union, rose to be identified among the 74 poultry men who had graduated from butchering to wholesaling and had employed his union in a way that made him a co-defendant on Sherman Anti-Trust Law charges.

The two who did identify him were Arnold Levit, Philadelphia commission merchant who sold the chickens, and Max Levit who contracted to deliver them to the Harnett's in Brooklyn.

He told how Tootsie Herbert called on him in Philadelphia and said 'we aren't doing any too good handling poultry to New York', and asked us to try not to handle the poultry to New York, said Max Levit.

Arnold Levit said, 'Tootsie Herbert came to me in Philadelphia with four or five fellows and said that any time I sold poultry to anybody in New York to try to cooperate and see how he stood in New York before selling him.' Among the defendants he then identified as one of Herbert's companions on this occasion Dave Gershon, President of the Greater New York Live Poultry Chamber of Commerce, of which the grandstand now holds most of the membership. Judge Knox then

asked, 'And what did you tell these people from New York?'

'I told them I would cooperate with them', said Mr. Levit.

Defense counsel succeeded in striking out all mention (made by Jacob Harnett and his two sons) to a fire which burned out the Harnett poultry market. Counsel also launched a fight to strike out all references to New York commission merchants who refused to sell live poultry to the Harnetts but who were not included by the government as co-conspirators with the defendants assembled here. Under threat of jail, the defendants all arrived on time, but it was discovered that they began to slip out whenever any witnesses began to make identifications. Some even went to sleep after lunch and fell on the floor with a crash."

Witness Is Warned At Trial Of Trust
October 19, 1933

Witness called by the Government in the trial before Judge Knox of 83 defendants charged with violating the Sherman Law displayed so much reluctance to testify that one witness was threatened with punishment for contempt. The witness was Benjamin Danziger, chicken dealer of Brownsville, Brooklyn. He answered questions (by Israel Osens, special counsel for the government) in so low tones that he could not be heard. The questions were important because they dealt with the alleged creation of an organization to control prices and to force the payment of tribute by employing gangsters. Danziger's reluctance to testify was partially explained by disclosure of the fact that he is now in the employ of Morris Hallman, a defendant. Judge Knox directed the witness to speak so that all could hear.

"I am tired of your attitude", he said. "It's nothing short of contempt of court."

This brought answers to a higher pitch, but in a short time the voice of the witness sank so low that the stenographer could scarcely hear what was said. Another witness, Louis Sorkin, was afflicted with such lapses of memory that he could recall very few of the happenings of last summer. He was asked about an action he had started in the Brooklyn Supreme Court, but could remember nothing about it that the prosecution considered important. He was ordered to read his affidavit in the action made at the time when the Government asserts the poultry combine was most active, and to testify again when he had refreshed his memory.

Benjamin Rothschild, an official slaughterer of chickens, testified that after he had been ousted from the ranks of the orthodox poultry slaughterers he was reinstated on the strength of a card given to him by Benjamin Simon, Supervisor of the Greater

"I'm sitting on your windows", he said. "It's nothing more or customer or agent."

New York Live Poultry Chamber of Commerce. This testimony was taken to show that the industry was controlled by the Chamber of Commerce, which is also named as a defendant. Mrs. Lily Horowitz testified that in the market of Charles Sirotznick, a defendant, she was charged a cent a pound "for the gang". "Then", her testimony ran, "I went to David Hirsson market and he told me the same, but he could not sell me merchandise as I was not his customer by rights. I stood in his market and cried, offering another penny a pound, but he told,'I don't need another penny. We collect enough.'"

Morris Teitler and his wife, Anna, dealers in Williamsburg, told of buying some poultry at a reduced rate and of advertising it for sale at lower than current prices. Sidney Rosenstein and David Kaufman, defendants, ordered the removal of the sign, she said, under a threat of having the brains of her husband blown out. The following day, Mrs. Teitler testified, she saw the two defendants pour emery in the oil system of their automobile. She summoned a policeman and court action followed. Mr. Teitler said that the next week Samuel Mamber, a defendant, and three others - Samuel Zaan, Joseph Rosen, and Abe Miller - came to her market and offered her $200 for any damage to the car. But as the repairs amounted to $280, she said the offer was refused by her. The trial will be continued Monday.

Says Santon Gives Rackets Free Hand.
October 27, 1929

Poultry consumers have to pay from 4 to 10 cents a pound extra to reimburse the dealers for the tribute levied against them by gangsters and racketeers whom Tammany officials have failed to prosecute, according to Frederic R. Coudert, Republican Fusion Square Deal candidate for District Attorney. Government reports, Mr. Coudert said, showed that the total annual tribute of this kind amounted to not less than $18,000,000 in this city. Only a new administration of the District Attorney's office which will be free from politics, Mr. Coudert said, could successfully tackle the task of stamping out this system of organized blackmail which he said is levied against business in this city under Tammany regime. In his statement, Mr. Coudert declared, a fair picture of the situation in New York may be drawn from the known facts about the poultry racket, which cost the citizens from 4 to 10 cents a pound in the price of poultry they purchase at retail. Government investigators say tribute levied by this group has reached $18,000,000 a year. One of the alleged ringleaders is charged by the government agents with having his fingers in four other rackets - one of them being the laundry business. The branch of the poultry ring in the Bronx is charged by the Dealers Protective Ass'n. with collecting $25,000 weekly by the use of gangsters. The regular levy in this case is four cents a pound.

The effectiveness of the gangsters' methods may be judged from the reports of hearing in a magistrate's court when seven wit-

nesses for the prosecution refused to testify against the poultry racketeers on the ground that the whole gang was present in the court room. There were about 75 persons present at the time, and the witnesses charged that the spectators included familiar faces sent there to intimidate the witnesses. It is significant that the charges were dismissed and no important steps were taken to follow them up and stamp out the racketeers and their gangsters. This poultry racket has been going on more or less continuously in New York for many years. There has been murder, bombing assault, gang rule horse, poisoning and violence of all kinds in its record. But the District Attorney's office has not done anything effective. There are many other kinds of business in New York which are paying tribute to criminal enterprises which are striking at the very heart of business enterprise. The methods of the racketeer are various, but the essential thing is the same in each case professional criminals compelling honest business to pay unlawful tribute under penalty of property destruction, bodily injury or death.

"If elected, I propose to take immediate and summary steps against the racketeers. I shall establish a division of the District Attorney's office specially charged with the hearing of complaints of this sort and with the investigation and prosecution of racketeering cases."

Jury Is Locked Up In Poultry Trial.
Nov. 21, 1939

The jury that has listened for nearly six weeks to testimony on an indictment charging ninety defendants with violation of the Sherman Anti-Trust Law in having created a trust in live poultry received the case shortly. Its members were taken to a hotel for the night. They will resume their deliberations.

At the outset there were eighty-seven individual defendants and three organizations, but in the slow progress of the trial twenty-two of the individuals were sifted out, leaving only sixty-eight -- fifteen were dismissed by Federal Judge Knox, four were severed, and three plead guilty. The jury returned to the court for instructions on the part of Judge Knox's charge dealing with sporadic acts of violence and also on the part dealing with conspiracies in restraint of trade in which agreements have been reached, but in which no covert acts have been permitted. Judge Knox had the stenographer read those parts of the charge and explained in more detail that an agreement which, if carried out, would result in a restraint of trade was in itself in violation of the Sherman Act. He explained also that the cumulative effect of acts of violence was to be taken into consideration. If the effect of such acts was to restrain trade it constituted evidence of restraint of trade, even if there was not evidence of an agreement itself. Defense counsel entered an exception. In his charge Judge Knox told the jury that the case of each one of the defendants should be considered. He classed as circum-

stantial a large part of the testimony, but explained that such evidence might be as strong as any other kind. Concerning the charge that several of the defendants had refused to serve some of the men engaged in the industry, the court said that any dealer had a right to sell or refuse to sell according to his volition. Regarding attempts of the prosecution to involve some of the defendants because of their attendance at certain meetings, Judge Knox said that attendance or membership alone should not be held against the accused. Discussing the suggestion that some of the defendants were coerced by economic pressure into an illegal enterprise, the court declared that this in the eyes of the law was of no effect. It was explained that a dealer might sell at any price he desired, and might cooperate in the matter of credit information, but if it was shown that he had been constrained to act by an illegal agency, his acts were illegal. It was further explained that if the evidence disclosed that the three organizations acted independantly and for their own ends, their actions could not be considered in determining the extent of their guilt under the indictment. Judge Knox said that conditions in the poultry business were bad and that those engaged in it had every right to try to improve the conditions, but that they had no right to restrict the liberty of the trader in buying when and from whom he pleased. The three organizations involved - Local 167 of the Chauffeurs Union, the Official Orthodox Poultry Slaughterers of America, Inc., and the Greater New York Live Poultry Chamber of Commerce.

Sixty-Six Found Guilty As Poultry Trust. Two Acquitted Of Conspiracy To Exact Millions Of Dollars. Annually From Public Here. Sentences Set. Maximum Is Year In Prison And $5000 Fine. Judge Says All Will Be Punished. Trial Lasted Six Weeks. Defendants Leave "Bleachers" For Excited Arguments When Verdict Is Announced. (Nov. 29, 1929)

The government won a victory in its fight against the live poultry trust, which operates in this city. Of 90 defendants, indicted on charges of conspiracy to violate the Sherman Anti-Trust Law, 66 were convicted and 2 acquitted. During the trial 22 were sifted out. The indictment against 15 of these was dismissed; 4 were severed, and 3 plead guilty. Sentences will be imposed.

Israel B. Ossas and Walter L. Rice, special assistants to the Attorney General, began inquiry into the operation of the trust many months before the filing of an information which was succeeded by the indictment. It was charged that the defendants wrung from consumers several million dollars a year, and that the trust levied a tribute of one cent a pound on the $70,000,000 worth of poultry sold annually in this city.

The fifteen who were discharged during the trial because of

lack of incriminating evidence against them were Barney Azwolinsky, Al Berman, Morris Brown, John J. Conlin, Jacob Dubsky, Hyman Frankfater, Abraham Franzel, Morris Frisman, Max Glantz, Mendel Gordon, Abraham Harrison, Goodman Levy, Charles Schonseitt, Harris Schonzeit, and Joseph Weiner.

Those who pleaded guilty were Benjamin Simon, who is not the defendant of the same name who is supervisor of the Live Poultry Chamber of Commerce, which is also a defendant; William Simon and David Wernick.

The severance of four of the defendants became necessary because of illness or inability by the government to force their attendance. They are Philip Doe, Louis Cohen, A. Hornstein, and Herman Matofsky.

The two who were acquitted were Joe Goldman and Emanuel Herbert, one of the four brothers named in the bill. Herbert was one of only two who testified in their defense.

The sixty six convicted, including the three organiattions indicted, are: Morris Azwolinsky, Herman Berman, Charles Bistretsky, Morris Chast, Charles Gershowitz, Carl Firestone, Jacob Frankfater, Morris Gerber, Samuel Gold, Morris Gordon, Kalman Gross, Greater New York Live Poultry Chamber of Commerce, Hyman Haber, Isidore Haber, Samuel Harrison, Morris Hellman, Arthur Herber, Charles Herbert, Harry Herbert, Dave Hirshon, Samuel Isaacson, Morris Josselson, Samuel Kadin, Ike Kaplan, Leo Kassoff, David Kaufman, Max Keslin, Morris Klieger, Jacob Koslow, Mickey Lax, Simon Lepof, Samuel Lipkin, Isaac Lipschitz, Local 167 of the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, Samuel Mamber, David Manne, Charles Mirotznik, Joe Newman, Hyman Nierenberg, Official Orthodox Poultry Slaughterers of America, Inc., Abraham Pepper, Hyman Raby, Jack Reisner, Max Rosen, Moe Rosenstein, Sidney Rosenstein, Samuel Sahn, Louis Schiller, Joseph Scull, Kalman Shapiro, Harry Shomer, Samuel Silverman, Benjamin Simon, Louis Spatz, Aaron Steinberg, Paul Susnick, Sidney Susnick, Louis Weidberg, Aaron Weindberg, Aaron Weissler, Max Wolas, Abraham Wolf, Irving Yarmouth.

When the verdict was announced, the defendants, who have been perched on bleachers in the courtroom for about five hours every court day for nearly six weeks, left their seats and clustered about the table facing the bench. Several were greatly excited and sought to argue the matter with each other and with the counsel. Much of the excitement was due to the fact that Judge Knox made it clear that he would punish each of the defendants and that there would be no suspended sentences.

To the end that exact justice may be meted out, he asked counsel for the defense to give him a brief account of each defendant,

lack of irritating evidence against him [illegible]
al Benson, Morris Brown, [illegible]
[illegible] Morris Kotsis [illegible]
[illegible] Lang, [illegible]
Jason Reiner.

There was planned guilty were Benjamin Simon, who is not the
defendant of the same name who is supervisor of the Bronx County
[illegible] [illegible]
[illegible].

The government [illegible]
[illegible] of illness or inability of the government to locate their de-
[illegible] They are Philip Cox, Louis Lorenz, J. Hamberg, and
[illegible].

The two who were acquitted were the Lifland and Gerard brothers,
[illegible] of the four brothers was not in the dock. Hoover was one of only
[illegible].

The sixty-six convicted, including the three organizations so-
licited, are: Morris Auerbach, [illegible] Jacob Bernstein,
Morris Dabel, Charles Gerardelli, [illegible] Jacob Frankfeter,
Morris Gerard, Samuel [illegible] Gerard, [illegible]
Max Fox, Philip Hoover, Morris Kotsis, [illegible]
Lopez, Samuel Martinson, Morris Milman, [illegible]
[illegible] Sam Kaplan, [illegible] Kassell, [illegible]
Morris Miller, Jacob Voisin, Harry Fox, Sam Lerner, Manuel Vigdor,
Isaac Lipschitz, Joel Ist of the International Brotherhood of
Teamsters, Chauffeurs, Stablemen and Helpers of America, Local
[illegible], Chauffeurs and Helpers of America, Local
[illegible], Joe Weber, Joe Hammerman, Milton Bernstein,
[illegible], Jack Weber, Joe Hammerman, Milton Bernstein,
[illegible], Sam Gerard, Morris Rothberg, Aaron Goldfeder,
Max Holze, Abraham Ost, Irving Lamonth.

When the verdict was announced, the defendants, who had been
[illegible] in the courtroom for about five hours every
[illegible] for nearly six years, left their seats and disappeared down
the Main Jurors the bench. Several were greatly excited and [illegible]
[illegible] the better air from other men with the counsel. Much
[illegible] of the last [illegible] it was clear that
[illegible] of the defendants and that there would be no
[illegible].

[illegible] justice may be served yet, he asked
[illegible] to give him a [illegible] account of such defendant.

showing his financial status, how many were dependent upon him, and such other information as would reflect his actual condition. The offense charged against the defendants is a misdemeanor. The maximum punishment is one year in prison and $5000 fine.

What motions defense counsel decided to make will be deferred until the day of sentence. It was suggested that the motions would be largely in the direction of seeking mercy for the convicted men.

One of these who was convicted, Julius Rosenstein, cleared the way for mercy for himself by naming his two-weeks-old boy for Judge Knox, so this infant will be known as John Clarke Irwin Rosenberg. The honor was due largely to the kindness of the jurist in excusing Mr. Rosenberg from the trial long enough to see his new son.

By far the greater number of those convicted are dealers in live poultry or employees of dealers. These were described by counsel as victims of economic pressure.

Eight men were accused by the government as the ringleaders in the conspiracy. They are Benjamin Simon, supervisor in charge of the Live Poultry Chamber of Commerce; Arthur Tootsie Herbert, a powerful influence in the Chauffeur's Union; Charles Herbert, delegate of the Slaughterer's Union; Samuel Sahn, president of the Poultry Chamber of Commerce; and David Firshon; Morris Gordon; Louis Spatz; and Louis Weidberg, directors of the Chamber. During the trial Mr. Osens put into the record a little black book which, it was alleged, contained the amount of collections made by the defendants from market men and others. The book, it was charged, was the property of Weidberg.

The eight leaders were accused in the bill of particulars of having obstructed deliveries of poultry; 28 were charged with exacting unlawful levies from market men and others; 22 with following and spying upon those engaged in the chicken industry; and seventeen with having paid various sums to market men and others to induce them to discontinue business. Charges against the others were of a more general character.

There were particulars showing the basis for charges against "unknown defendants" of placing bombs containing explosives, incendiary matter and poisonous and suffocating gases in the places of business and in the vehicles of poultry dealers, butchers and market men. During the trial 3,000 pages of testimony were taken.

Counsel for the defendants were Isaac N. Jacobson, Arthur N. Sager, Samuel H. Kaufman, Joseph Shalleck, Alfred L. Becker, Julius Hallheimer and Abraham I. Menen.

United States Attorney Charles H. Tuttle made the following comment upon the verdict:

"This very satisfactory result brings to book one of the biggest rackets in this town and terminates a conspiracy which had greatly increased artificially the prices of a staple article of food. The verdict will particularly tend to benefit those members of the public whose religious beliefs require the observance of certain dietetic laws. It will tend to restore to honest merchants power to maintain in an independent business free from extortionate exactions, and it demonstrates the power of the law to reach and break up the so-called rackets which prey upon honest business and the public generally."

Will Ask Jail Terms For Poultry Dealers.
But Prosecutors Will Request Varying
Sentences for 66 In Trust Case.

What sentences the government will ask Federal Judge Knox to impose on the 66 poultry dealers convicted on Thursday of creating a trust, is being seriously considered, according to Israel S. Oseas and Walter L. Rice, special assistants to the Attorney General. The individual defendants have been divided into groups and maximum penalty of one year in prison and $5000 fine, in short -- prison terms and smaller fines.

Mr. Oseas said that it was the feeling of the Government that the various defendants were guilty in different degrees and that justice would require different punishments. He said that individual histories of each defendant were being gathered for the information of the court, that several persons had asked for mercy in special cases and that he would be glad to get information throwing light upon the character and condition of the defendants, singly or collectively.

"I invite persons, both in and out of the industry", said Mr. Oseas, "to submit any data, either for or against the defendants, which will aid the court in doing substantial justice. Any information offered will receive fair consideration. At present my feeling is that prison sentences would be justified for all of the defendants and I shall certainly ask for the maximum prison terms for the responsible leaders of the conspiracy. The purpose of the government is to avoid, if possible, a repetition of the conditions that existed in the industry."

Kosher Board Approved. Officials
And 100 Rabbis Agree On Central
Control of Meats. (Feb 4, 1930)

Plans for the establishment of a central board of control to supervise the distribution of Kosher meats among the orthodox Jews of New York were ratified at a meeting of more than 100 Rabbis at

the Broadway Central Hotel, 673 Bway. Rabbi M. S. Margolies, dean of the orthodox Rabbinate of New York, presided at the meeting which was also attended by representatives of the Federation of Kosher Butchers and Thomas F. Dwyer, Commission of Public Markets.

Rabbi A. S. Pfeffer of the Union of orthodox Rabbis of America said that under the new plan, effective immediately, standard certificates would be issued by the central board to Kosher butchers throughout the city. Formerly local boards in various sections granted certificates of approval.

Commissioner Dwyer approved the new method and promised the full cooperation of his department. Homer G. Walsh, Superintendent of the Kosher Food Law Enforcement Division of the Department, also spoke.

Ask Writ To Block New Poultry Trust.
Officials Seek Injunction To Prevent
Resumption Of Conspiracy Here.
Feb. 8, 1930

The attack by the Government on those engaged in a conspiracy to control the live poultry trade in the city, which resulted in the conviction of 69 defendants under the Sherman Anti-Trust Law, was followed by the filing of a petition asking a permanent injunction to prevent a recurrence of the conspiracy and the evils growing out of it. Forty-six of those convicted have appealed.

Walter L. Rice and Israel B. Ossan, assistants to the Attorney General, said that the new proceeding was to prevent the organization of small groups to restrict trade and control prices and that a permanent injunction would permit immediate punishment for contempt of court.

In addition to the 103 defendants named in the petition the attack is directed also against the members of the New York Live Poultry Chamber of Commerce and of Local 167 of the International Brotherhood of Chauffeurs, Teamsters, Stablemen and Helpers of America. Mr. Rice said that there were 250 members of the chamber and 800 members of Local 167, making a total of nearly 1000 affected by the petition.

The petition pointed out that despite the fact that 69 defendants were proved to be guilty of violating the Sherman Law, Local 167, the L. P. Chamber of Commerce, and the Official Orthodox Poultry Slaughterers of America, Inc., are still in existence.

"The conspirators for the most part still control all the important offices in said organizations, and occupy strategic positions in the trade, rendering it possible for them to resume at will

their illegal acts in furtherance of the conspiracy", it asserts.

Mr. Rice said that the live poultry business in this city amounts to about $75,000,000 annually.

Take Neutral Stand On Kosher Statutes. Orthodox Rabbis Vote Against Joining Butchers Now In Enforcement Of Laws. (February 25, 1930)

Opposition to any cooperation between Rabbis and butchers to maintain Kosher laws was expressed in a resolution adopted at the second day's session of the fifteenth annual convention of the Assembly of Hebrew Orthodox Rabbis of America and Canada, meeting in the synagogue of the Congregation Chevrah Torah Ansher Chessed, 1863 Douglas Street, Brooklyn.

The resolution, which was proposed by Rabbi Samuel Rabinowitz of Brooklyn, said that the assembly was willing to accept conditions as they are now and was content to wait until all Rabbis were ready to unite to enforce Kosher laws, rather than seek a partnership to which butchers even partly supervised their own business.

"Butchers are primarily interested in making a living, and if Rabbis combine with them the butchers will have the upper hand and there will be no-Kosher laws", Rabbi B. G. Mendelsohn of Newark said. "The butchers should only be watched and not be the watchers."

The utmost cooperation of the Department of Markets in maintaining Kosher laws was pledged by Thos. F. Dwyer, Commissioner of Markets, who addressed the Rabbis.

The convention will close. Rabbi G. Wolf Margolis, eighty-four year old president of the assembly, who has been confined to his home by illness, is expected to attend afternoon's session, it was announced.

16 Cited In Poultry War. Accused Of Violating Parolee - Court Reserves Decision. (May 14, 1930)

Federal Judge John C. Knox reserved decision in the case of 16 members of the International Brotherhood of Teamsters, Stablemen and Helpers of America, who were haled before him as violators of parole on the charge of Aaron Steinberg, poultry dealer, of 316 Jackson Ave., the Bronx, who said the defendants had prevented him from buying poultry in West Washington Market.

Steinberg, testifying for the Government, charged that commission merchants had refused to sell poultry to him because they feared reprisals from the union. The sixteen defendants were among 68 defendants convicted recently of maintaining a poultry trust in restraint of trade.

Roscoe C. Wood, a shipping agent, of 448 West 14th Street, told Judge Knox that he had failed to deliver a shipment to Steinberg because Louis Spatz, convicted defendant, had warned him not to do business with enemies of the dealers.

Supreme Court Refuses To Review Case Of New Yorkers Sentenced Under Trust Law. Fines, Jail Terms Stand. Plea That Interstate Commerce Act Was Not Involved Falls. Defendants Numbered 90.
(April 25, 1931)

"Washington: Refusing to review the case of the Greater New York Live Poultry Chamber of Commerce and others against the Government, the Supreme Court of the United States, in effect, permitted the rulings of the lower courts to stand and sustained convictions of the petitions for violations of the Anti-Trust statutes.

The Supreme Court without comment declined to grant a petition for a writ of certeori from the United States Circuit Court of Appeals for the Second Circuit, which had sustained the convictions imposed by the Federal District Court.

The case originated when indictments were returned charging conspiracy to restrain interstate commerce in violation of the Sherman Anti-Trust Law. The jury in the District Court found the petitioners guilty, and Judge John C. Knox imposed sentence of imprisonment and fine. Later, the Circuit Court (presided over by Judge Thomas W. Swan) upheld the lower court.

In addition to the chamber, the petitioners involved include about forty persons engaged in the live poultry enterprise, particularly in the distribution of live fowls to the orthodox Jewish population of the city of New York.

"Interstate" Commerce Denied.

The petitioners told the court that the live poultry trade was greatly damaged by heavy and destructive competition including price cutting, and that, as a result, a trade association was formed.

They agreed that the association's policies (as applied to

interstate commerce) were inconsistant with the Sherman Act, but hold that their operation did not constitute interstate commerce, because although New York consignees received goods shipped from outside the State, they marketed them in New York for ultimate consumption there.

Besides the Poultry Chamber of Commerce the petitioners included:

Morris Azwolinsky
Herman Berman
Charles Bistretsky
Morris Klieger
Jacob Koslow
Simon Lepof
Michael Lax
Samuel Lipkin
Isaac Lipshitz
Samuel Kadin
Morris Damsky
Isidore Frank
Jacob Frankfater
Morris Gerber
Samuel Gold
Abraham Goldberg
Morris Gordon
Kalman Gross
Hyman Haber
Samuel Mamber
David Manne
Samuel Manne
Charles Mivotznik
Morris Pepper
Hyman Roby
Jacob Reisman
Max Rosen
Samuel Sahn
Louis Schiller
Samuel Harrison
Morris Hillman
Dave Hirshon
Samuel Isaacson
Isaac Kaplan
Joseph Scull
Paul Susnick
Sidney Susnick
Louis Spatz
H. Steinberg
Aaron Steinberg
Louis Weidberg
Max Wolas
Abraham Wolfe
Benjamin Simon
Supervisor

"Tribute" Put At Millions Yearly.

The trial of the ninety defendants, eighty-seven individuals, and three organizations, indicted for violating the Sherman Anti-Trust Law in poultry trade operations, began before Judge John C. Knox and a jury. The trial lasted several weeks, and sixty-three of the defendants were convicted.

During the trial it was brought out that members of the so-called poultry trust had exacted tribute that cost consumers of Kosher poultry millions of dollars a year. From a little black book introduced in the trial by Israel B. Oseas, special prosecutor, items were read showing that more than $25,000 a year had been paid to Benjamin Simon, czar of the poultry trade.

United States Attorney Tuttle told the court that threats and intimidations, the disappearance of witnesses, and a conspiracy of silence had attended the trial in an effort to defeat justice. He declared the trust had hurt the poor worst of all, and asked for severe sentences. Fines from $100 to $1,000 and sentences from three weeks to longer periods were imposed. A probation period of five years was imposed on some of the defendants.

Push Kosher Market Plan. Orthodox
Leaders Meet For Closer Curb By City.

Fifty representatives of the city's orthodox Jewish congregations met in the Broadway Central Hotel and discussed the plans of the Hebrew Religious Protective Association of Greater New York for closer supervision of Kosher food by the Department of Markets.

The delegates feared the plan in principle and appointed a committee of nine to consider in detail before submitting it to Market Commissioner Dwyer. The committee follows:

Jacob Shipin, President of the Association.
Abraham Greenwald, Director of the Association.
Benjamin Greenspan, President of Wall Street Synagogue.
Joseph Markowitz, Congregation Ohat Zedek.
Rabbi Margolies, 85th Street Synagogue.
Louis Grell, The Clinton Street Synagogue.
H. Benowitz, President of the Brooklyn Synagogue.
L. Silver, Young Israel.

Says Poultry Trust Exacts Huge Tribute.
Prosecutor Charges It Collects $25,000
Weekly With Aid of Thugs. Seeks Injunction.

The Greater New York Live Poultry Chamber of Commerce and 102 other defendants, sixty-five of whom were convicted on charges of constituting a trust in restraint of trade, are enforcing the collection of one cent a pound tribute on practically all Kosher poultry sold in the city, Walter L. Rice (Special Assistant United States Attorney) charged.

The weekly tribute collected in this manner amounts to $25,000, Mr. Rice told Federal Judge Francis G. Caffey, beginning new proceedings against the association and individual defendants. Of that amount, he said, $5,000 a week goes to gangsters who intimidate, threaten, and assault persons "who balk regulations".

The gangsters, he charged, have been cutting automobile tires,

overturning cars and throwing stench bombs in a campaign of terrorism against independent retail dealers who refuse to pay tribute to the trust.

The Greater New York Live Poultry Chamber of Commerce, Mr. Rice added, although convicted with sixty-five other defendants in the anti-trust trial, is still allied with Local 167 of the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers, and with the New York local of the Schoctim Orthodox Poultry Slaughterers' Union.

The government charges specifically that payments have been made by Benjamin Simon, Supervisor of the Chamber of Commerce, to Arthur (Tootsie) Herbert and Charles Herbers, representing the Union, for their aid in the enforced allocation of thousands of retail butchers among 200 to 300 wholesale dealers.

"The defendants", Mr. Rice charged, "are engaged in a conspiracy to boost prices and destroy competition in violation of the Sherman Anti-Trust Law."

He and Herbert J. Law, who is assisting in the case, asked Judge Caffey to sign a blanket injunction which would make it possible to punish every offender in the event of future violations.

Joseph F. Krappy entered an appearance for more than half of the defendants. Judge Caffey ruled that the defendants already convicted were not entitled to deny that they had ever violated the Sherman law. They were punished by fines ranging up to $200 each and prison sentences of from five to ninety days. The hearing will be continued.

Jailed In Butcher Racket.

Three men convicted of coercion of Kosher butchers received indeterminate sentences not to exceed three years in the penitentiary from Justices Direnzo, Nolan and Dale in Bronx Special Court. They were: Charles S. Weiss of 862 E. 13th St., Brooklyn; Isidore Cohen of 1375 Bway and Morris Horn of 968 Bronx Park South. The men were accused of compelling butchers to join the Kosher Butchers' Guild, Inc., which they organized. It was alleged that they invaded a meeting of the United Strictly Kosher Butchers' Association and demanded that the 1,000 members present join their group. The alternative offered was ruination of their businesses.

Poultry Men Act To Curb Abuses. Rules Are Adopted To End "Unscrupulous Feeding"

restraining trade and extorting large sums in a campaign of terrorism against independent retail dealers who refuse to pay tribute to the union.

The Greater New York Live Poultry Chamber of Commerce, Mr. [illegible], although convicted with sixty-five other defendants in the anti-trust trial, is still allied with Local 167 of the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers, and with the New York local of the Schochtim Orthodox Poultry (Slaughterers) Union.

The government charges specifically that payments have been made to Benjamin Liss, Secretary of the Chamber of Commerce, by Arthur (Tootsie) Herbert and Charles Herbert, representing the Union, for their aid in the wholesale elimination of thousands of retail [illegible].

"The defendants", it is charged, "are engaged in a conspiracy to [illegible] prices and restrain competition in violation of the [illegible] anti-trust laws."

[illegible], who is [illegible] the suit, [illegible] Judge Caffey to sign a blanket injunction which would make it possible to punish every offender in the event of future violations.

Joseph V. [illegible] entered an appearance for more than half of the defendants. Judge Caffey ruled that the defendants already convicted were not entitled to deny that they had ever violated the Sherman law. They were punished by fines ranging up to $200 each and prison sentences of from five to ninety days. The hearing will be continued.

JAILED IN POULTRY RACKET.

Three men convicted of coercion of Kosher butchers received indeterminate sentences not to exceed three years in the penitentiary from Justices [illegible] and Dale in Bronx Special Sessions Court. They were: Charles [illegible] [illegible] [illegible] accused of compelling [illegible] to join the Kosher Butchers' Guild, Inc., which they organized. It was alleged that they invaded a meeting of the United Kosher Butchers' Association and demanded that the 1,000 members present join their group. The alternative offered was ruination of their businesses.

[illegible]
[illegible]

And Unjust Prices. Weight Tricks Revealed.
Food Often Contains Cement, Gravel And
Oyster Shells, Leader In Reform Says.

New regulations to eliminate unfair trade practices in the live poultry industry, particularly "unscrupulous" methods of feeding and "unjust and unsatisfactory" prices, for which commission merchants and shippers were held responsible, were adopted by buyers and sellers at a conference held under the auspices of the Federal Trade Commission in the Hotel New Yorker.

The new rules, covering fourteen points, were adopted unanimously with the exception of two on which the commission merchants declined to vote. One of these had to do with the creation of a committee representing buyers and sellers "to establish the market" at each day.

The recommendation was made by Benjamin Forsmith, secretary of the L. P. Slaughter House Ass'n. Abraham S. Gilbert, counsel for the N. Y. Poultry Exchange, representing the commission merchants and shippers, objected on the ground that it might constitute a price-fixing body. The rule was amended to provide that no conflict would occur with the State and Federal laws, but Mr. Gilbert's group still did not vote.

The second rule to which there were objections was a provision to create an executive committee to carry out the purpose of the conference in ending trade abuses.

Another rule, characterizing as unfair "the feeding of poultry on the day of unloading beyond what is reasonably required, with the intent and effect of deceiving purchasers as to the true weight of the poultry" was finally adopted (with Mr. Gilbert assenting) when Mr. Forsmith withdrew a substitute rule which said that "poultry shall not be fed on the day of unloading and delivery to the buyer."

During the discussion of the substitute rule, Abraham Harrison (representing Mr. Forsmith's group) charged "Unscrupulous methods of the shippers, sanctioned by the receivers" in feeding poultry food containing cement, gravel, chopped oyster shells and other weight-producing materials.

"I don't doubt that, if the chickens could stand it for 24 hours," Mr. Harrison declared, "not lead would be poured down their throats. They turn the water hose on ducks and their downy feathers take on an extra pound besides the water they drink. There is a shrinkage of 25 pounds on a crate of ducks or geese when they get dry." He added

[illegible]

[illegible] Guaranty, Travel and [illegible] Money in Future Wars.

New regulations to eliminate unfair trade practices in the five industry industry, particularly "unscrupulous methods of feed- [illegible] and "unjust and unreasonable prices," for which commission merchants to and shippers were held responsible, were adopted by delegates and officers at a conference held under the auspices of the National Trade Association in the Hotel New Yorker.

[illegible] with the exception of one on which the commission merchants declined to vote. The 3 issues had to do with the creation of a committee representing buyers and sellers to establish the "[illegible]" at each day.

The recommendation was made by Benjamin Lesnick, secretary [illegible] Inc. P. Slaughter Jones Jr., Norman S. Gilbert, counsel [illegible] T. Taylor [illegible] and shippers, objected to the proposal that it be made **constitute** a quasi-judicial body. The rule was amended to provide that the committee should consist with the state and general laws, but Mr. Gilbert's group still did not vote.

The second rule to which some objections were made provides to create an executive committee to carry out the purposes of the conference in calling trade meeting.

Another rule, characterizing as unfair [illegible] practices on the day of unloading, shippers must be reasonably informed, with the intent and effect of deceiving merchants as to the weight of the industry" was finally dropped (with Mr. Gilbert [illegible] when Mr. Lesnick withdrew. Substitute rule which said [illegible] industry shall not [illegible] in the day of unloading and delivery to [illegible]

During the discussion of the association rules, Thomas Durham [illegible] Commission, Travel, Shippers Water Shells and other [illegible] materials.

[illegible] "[illegible] that look right to [illegible] from their thrifts. [illegible] the [illegible] the water they drink. There is a shortage of [illegible] of [illegible] when they get dry." He added

that feeding on the day of unloading "cheats our industry out of $5,000,000 a year."

Federal Trade Commissioner Wm. E. Humphrey, who sat with Commissioner George McCorkle, said he did not think the commission could enforce a rule which prevented the feeding on the day of unloading. Feeding to increase weight, however, he said, was illegal, and upon complaint the commission would order the practice stopped and if necessary, resort to the courts to end it.

The other rules adopted at the conference, which will be presented to the full Federal Trade Commission for approval, cited as unfair trade practices the sale of short-weight or misrepresented poultry with intent to deceive purchasers, selling of poultry unfit for human consumption, secret payment of allowances of rebates, refunds, commissions or unearned discounts, special privileges to certain purchasers, giving of money to representatives of customers to influence their purchases, the selling of poultry below cost with intent to injure a competitor, price discrimination and misrepresentation as a commissioner merchant "whereas in fact he is a principal".

Other rules approved consolidations of slaughter houses for economy; the adoption of "accurate and standard methods of cost finding"; the distribution of information covering delinquent and slow credit accounts; and the use of automatic scales in the purchase and sale of poultry.

Gang Bail Spurned by 3 Poultry Men
For Safety In Jail.
Dealers Held As Witnesses In War On
Racket Fear Ruse As Foes Post $75,000
Bond Raised To $750,000.
Effort To Free Them Against Their Will
Includes Hearing In Hotel Room At 2 A. M.
Levy Granted Bail Plea.
Justice At 6 A. M. Ordered Release For
Same Bondsmen Who Freed Seven "Wreckers".

A monopoly of an industry by racketeers, as powerful and sinister as any criminal trust previously uncovered in this city, according to District Atty. Foley of the Bronx, was revealed by events surrounding an attempt by enemies to free three leading wholesale poultry dealers, held in jail as material witnesses.

The three business men actually were freed by the mysterious posting of $75,000 (about $25,000 of it in cash) but they knew of no good Samaritan who would stake them to such an extent. Fearful for their lives, they demanded to be sent back to jail and back they

went, with $75,000 set as the new price of their freedom. The case took a new turn when Mr. Foley was served with a writ of habeas corpus for the men, returnable a short time before service was effected. The writ, according to aides of Mr. Foley, was signed by Supreme Court Justice Mitchell May and directed appearance in Room 1,001 of the Hotel Commodore.

Who obtained the writ was not known to the Bronx authorities. Flanked, therefore, by a guard of deputies and police, Mr. Foley, Sheriff Robert Moran, and the witnesses went to the hotel.

The proceeding, in view of the previous occurances, was considered highly unusual by the authorities, but they could not declare their attitude toward the action, having no knowledge of its origin.

Justice May's suite on the tenth floor of the Hotel was crowded with friends and relatives of the three witnesses, and was heavily guarded by the police when the unusual hearing got under way.

It developed that Murry Spies, an attorney who said he was acting for a brother of one of the witnesses, had obtained the writ. Justice May asked each of the three witnesses in turn whether he wanted to be freed. Each replied that he preferred to remain in jail. Therefore Justice May dismissed the writ and recommended them in $250,000 bail each. The $750,000, said to be the highest bail ever asked in this State, must be given in cash before the men can walk the city's streets, where bullets might prevent them from telling what they know. The move to free the men was viewed not only as a possible attempt to wreck vengeance upon the poultry dealers because they are to testify, in Bronx special sessions, against seven men reputed to be the strong-arm adjunct of the trust, but because they might rip the veil of fear behind which, Mr. Foley said, a gangster boss fixes prices and dictates where dealers must purchase and how they must transport their stock.

Harry Baff Fears For Safety.

The new monopoly is said to resemble strongly the poultry trust revealed in an investigation some time ago which culminated in the murder of Barnard Baff, the central figure. Now Harry Baff, son of Barnard, says he is in fear of his life.

Harry Baff's partners in the S. S. & B. Live Poultry Corp., are the three men in jail, while the seven alleged gangsters who were arrested as they wrecked the partners' place of business are free in low bail, which District Attorney Foley asserts was posted through the same man who put up the $75,000 for the partners. The three partners are Hyman Blank, Samuel Snipper, and Samuel Weiner.

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case took a new turn when Mr. Foley was served with a writ of habeas
corpus for the man, returnable a short time before service was
attested. The writ, according to advice of Mr. Foley, was signed by
[illegible] and [illegible]
1,001 of the total consideration.

The justices the writ was not known to the Crown authorities.
Therefore, by a quiet or informal [illegible] police, Mr. Foley,
[illegible] both sorts, and the witnesses went to the hotel.

The proceeding, in view of the previous circumstances, was con-
siderably amused by the assemblies, but they could not de-
[illegible] attitude towards the action, having no knowledge of its
origin.

Justice Day's suite on the second floor of the Hotel was
crowded with friends and relatives of the three witnesses, and was
heavily guarded by the police when the usual hearing got under way.

It developed that Murry Hope, [illegible] attorney who said he was
acting for a number of one of the witnesses, had obtained the writ.
Justice Day asked each of the three witnesses in turn whether he
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perate attempt to [illegible] vengeance upon the [illegible] conspira-
tors are to [illegible] in New [illegible], [illegible] seven men re-
[illegible] to be the [illegible] of the street. But because they
[illegible] trip the [illegible] behind [illegible], Mr. Foley said, a [illegible]
[illegible]
[illegible]

[illegible]

[illegible] strongly [illegible]
[illegible] in an investigation [illegible]
in the murder of [illegible], the central figure. Mr. Murry [illegible]
[illegible] manner, [illegible] in [illegible] life.

[illegible]
[illegible] while the seven [illegible]
[illegible] the [illegible] of business are
[illegible] for life [illegible]
[illegible] the [illegible] for the prisoners. The
[illegible] Frank, Samuel Brickner, and Samuel Weiner.

Mr. Foley ordered them held in $25,000 bail each when they suddenly declared they wished to withdraw as complainants against the seven men, and said they would not testify. Mr. Foley, known as a of racketeers since his appointment to the District Attorney's office in 1924, faced his first big case, since he succeeded District Attorney McLaughlin. He was flushed with anger as he described, move by move, efforts to free the men.

"What do they think I am going to do?" Mr. Foley asked. "Hold up the county and hand it to them? I regard this case as a challenge, and I am going to fight it hard. If I get an even break, I am going to put everybody involved into jail." Mr. Foley revealed that Supreme Court Justice A. J. Lury had accepted the $75,000 that would have freed the men; also that an attempt to free the three poultry men had been made, and that he had heard rumors that friends of the seven men awaiting trial were seeking bail for their enemies; and upon arriving at his office, he began to prepare papers to raise their bail to $50,000 each. Warden A. Dunn informed Mr. Foley that the poultry men wanted to see him. Then he was told that bail had already been posted. He could not attempt then to increase the bail, because he could be held in contempt of Justice Levy's order, and he was beginning to fear for the forthcoming trial when the men asked to remain in jail.

"We don't want to go out", the partners said. "None of our people bailed us out. We want to stay in". "The same men who wanted to get the defendants out were also trying to get my witnesses out."

"In as much as Justice Levy had signed an order of discharge I could make no application to increase the bail, and the sheriff had to honor it and discharge the witnesses. The witnesses asked me to commit them for their own protection, and I had the police clear the corridors when they were released from jail. I personally escorted them to Judge Barrett's chambers, where Ass't. Dist. Att'y. Ryan made the formal application and they were voluntarily committed. Judge Barrett, who has always cooperated with us in our efforts to break up racketeering in this county, fixed bail in the sum of $250,000 each, and I have served notice on the sheriff to have it endorsed on all transcripts that I require 48 hours allowed me by law to investigate any surety that may be posted. But before any bail is posted I am going to find out where every dollar comes from, and I will insist on cash. Harry Baff came to my office and said I may be in jail. 'You know what happened to my father?'"

The trouble in the poultry business first came to light on April 6. Two patrolmen in a radio car saw a taxicab (followed by two automobiles) circle twice the block which the S. S. & L. Live Poultry Corporation is situated. They became suspicious, and, parking in the shadows of a side street, they saw seven men get out of the cab and one of the cars. A poultry truck pulled up, and from the darkness the seven men crept under and along the sides of the truck as it backed into the big market. Then the police drove their car across the

driveway and blocked escape. They said they found the men laying about with sawed off billiard cues, ripping open crates and releasing chickens, smashing windows and furniture. The seven men were rounded up and taken to the Morrisania station, on charge of malicious felony charge and bail ranging from $2,000 to $5,000. At the time the men were arrested, the partners had been in business in Washington Market but were driven out because they did not do as the racketeers ordered them to do. Not only were prices fixed for them, but they could not use their own trucks to transport their goods. The partners started business in the Bronx, and built up a good trade with the retailers. They were ostracised at Washington Market, but established contacts in the South and West to get back.

However, they were harassed from time to time.

Four Poultry Vandals Guilty As Victims
Take Stand Boldly. Thugs Linked To
Weiner Face Penalty For Wrecking Plant
In Bronx Racket. Three Others Are Re-
arrested. "Czar's" Threats Related.
Dealers Accuse Missing Boss Of Promising
"Ride" If Defied On Trade Demands.
(May 6, 1933)

With a show of deligerence rather than of fear, the four poultry men who voluntarily went to jail for safety in Bronx Special Sessions against seven alleged strong-arm followers of Joseph Weiner, reputed racketeer boss of the poultry business. Four of the defendants were found guilty of conspiracy to coerce, and the three others were acquitted but were rearrested on charges of malicious mischief.

The State's witnesses attempted to prove a definite conspiracy, headed by Joseph Weiner, to harm the members of the S. S. & B. Live Poultry Corp., 2962 Park Ave., the Bronx, because they would not take orders from him.

On the other hand, James D. D. Murray (defense counsel) accused three of the partners in the poultry concern of operating a racket of their own and of using an organization known as the Bronx Retail Chicken Dealers' Association, Inc., to enforce boycotts against retailers who would not pay dues.

Not a word was said during the trial concerning the attempt on April 22, allegedly by enemies, to free Hyman Blank, Samuel Shipper, and Samuel Weiner -- who is not related to Joseph Weiner -- partners in the S. S. & B. Corp., who were being held in $75,000 bail as material witnesses. The partners, joined by Samuel Simberg, their night watchman, decided to stay in jail for safety, and their bail was raised to $1,050,000.

The trial was held before Chief Justice Frederic Fernochan and Associate Justices A. V. B. Voorheis and Max Soloman, with the latter presiding. When the case was called, Mr. Murray moved for dismissal of the "informations" on which the men were being held, asserting they were unconstitutional because the grand jury had filed them directly in Special Sessions. Justice Soloman denied the motion and District Attorney Samuel J. Foley proceeded with his case.

The men found guilty were: Hyman Drat, 23 years old, of 223 E. 2nd St.; his brother, Harry Drat, 21 of 204 Eldridge St.; Jack Roth, 28, of 1020 Walton Ave., the Bronx; and Charles Goldberg, 23, of 104 W. 110 th St., who the police say is Charles (Phil) Rosenberg, former bantam-weight champion.

The three acquitted were Joe Petrocelli, alias Petrizzelli, 25, of 300 E. 113th St.; Anthony Wilk, 23, of 29 Spring St.; Lodi, New Jersey; and Frank Aara, 23, of 155 Lexington Ave. These three were taken to Bronx Police headquarters and booked on the new charge. They avoided going to jail or being arrainged in night court by providing $1,000 bail each through the Concord Casualty and Security Co., through which the $75,000 bail had been raised mysteriously to get the three guilty poultry men out of jail.

The salient points of Mr. Foley's case were an alleged visit by Weiner when he assertedly threatened Samuel Weiner with a "ride;" a telephone call from Jos. Weiner two days later; threats by Weiner in West Washington Market against Samuel Shipper; and a visit by Goldberg to the Park Ave. plant, ostensibly to purchase two chickens, a day before policemen on radio patrol said they found him and the six others wrecking the place with sawed-off billiard cues.

Mr. Murray had no witnesses of his own, but attempted to prove that there was no connection between Weiner's visit and the vandalism. He charged racketeering to Samuel Weiner, Shipper, and Blank, and one declared:

"Perhaps I'll go so far as to show that conspirators can't conspire against co-conspirators."

Once he provoked the three justices and about 300 spectators to laughter by insisting that Shipper was receiving signals from some one in the audience.

Mr. Foley began the prosecution by calling Henry Kichen, a city surveyor. He testified as to the location of the Park Ave. poultry plant. Then Samuel Weiner was sworn and a small photograph of Jos. Weiner was shown to him.

"That's him", he said without hesitation. He said that he had known Jos. Weiner since 1928 or 1929 as a delegate of a "chauffeurs' union. Then he described the latter's visit to the Cooper Ave. plant.

Weiner, who also is wanted on the conspiracy charge, but has eluded the police, arrived at the plant with six men, Samuel Weiner said, and asked to speak to him alone in the rear. The witness said he led him to what Shipper later described as the killing room of the market, and the alleged racked czar threatened to cause harm if he did not hire crates from Jos. Weiner, although the poultry man had his own.

"Since when are you in the crate business?" the witness said he asked. "That's my bread and butter."

"You've got to give them up", the visitor was alleged to have insisted.

"Well, I'm entitled to earn a living", Samuel Weiner said he responded, "and I won't give them up."

"You'll find yourself in a mudhole then", the reputed racket boss was reported to have said. "We know where you live. Well, some morning you'll find yourself knocked off. Good luck."

"My name is Weiner, too", the poultry man answered, according to his testimony, "and I can fight back."

Samuel Weiner explained that the other Weiner's demand meant he must give up his own "coops" and hire some from a New Jersey concern, through Joseph Weiner, at $1 a coop. He identified Harry Drat, Hyman Drat, and Jack Roth as three of the men who acted as Jos. Weiner's escort. He said "this gentleman here" and "that gentleman there" in making the identifications.

It also was brought out that Jos. Weiner walked into District Attorney Foley's office before the Grand Jury filed the informations, and was questioned by Assistant District Attorney William H. Jackson. Samuel Weiner was present, he testified, but at that time he told the authorities the man was not the Weiner he knew. Under questioning and cross-examination he disclosed that he refused to make the identification because "too much pressure" had been exerted on him. The nature of the pressure was not brought out.

Samuel Weiner testified that when Goldberg called at the plant he had a strong suspicion he had met him before, probably in West Washington Market. Goldberg bought two chickens, the witness said, but before he left, asked to go to the washroom. Weiner continued that he went to the plant in the morning and found windows broken, furniture wrecked and chickens running loose.

Mr. Murray, on cross-examination, revealed that when Jos. Weiner went to the District Att'ys office he was alleged to have said:

"I have seen by the newspapers that I have been accused of something. Here I am, if you want me."

Mr. Murray also brought out that Samuel Weiner had been president of the Bronx Retail Poultry Dealers' Ass'n. in 1929 and 1931. Weiner said the members asked him to resign in January, 1932, and to become "leader on the road", at a salary of $75 a week. He testified his duties were to "bring in more members", to see that chickens were not slaughtered on Sunday, and that the Kosher laws were observed.

He denied he had made threats to compel poultry concerns to join in the association. Mr. Murray asked him who Joseph Weiner was, and this time Samuel Weiner said,"The Rabbis who "cut the chickens' throats".

Hyman Blank also identified the same three men, the two Drats and Roth, as members of Jos. Weiner's escort. He also, he admitted, was connected with the Retail Poultry Dealers' Association and had received $75 a week for six months. He denied it was a "racket" organization or that its purpose was to "shake down" poultry dealers, as Mr. Murray described it in questions.

Samuel Shipper, also a partner, testified about threats made by Weiner in West Washington market and also admitted having once been connected with the Association, saying he drew the $75 salary for about two months.

Other witnesses included two policemen who captured the seven men in front of the market.

Benjamin Meyer, another partner, and Simberg testified that when the seven men arrived they were grabbed and one of them said. "Is this the man?" When others in the group said "no" they were pushed against a wall, they said, and guarded while some of the defendants were laying about with clubs.

The justices retired for about 15 minutes and returned to the court room with a unanimous verdict convicting the four men. The four were remanded for sentence and investigation.

At the Dist. Atty's office it was said that the four material witnesses -- Blank, Shipper, Samuel Weiner and Simberg -- would be kept in jail "a short while longer."

<u>Weiner Is Balked In Freedom Move. Judge Assailed Last Week By Prosecutor Takes Lead In Having Plea Put Over. Declines To Hear Case. Walling Holds Clash Bars</u>

Him From Passing On Guilt Of Poultry
Racket Figure. (June 21, 1933)

Justice William A. Walling of Bronx Special Sessions, who was accused of antagonism to the District Attorney's office in a racket case took a leading part against an attempt to free Jos. Weiner. Weiner is the reputed boss racketeer of the poultry business.

Weiner's trial on a charge of conspiracy to coerce is scheduled for July 11th. His attorney, J. O. Murray, moved to dismiss the charge on the ground that the evidence submitted to the grand jury was not sufficient. Justice Walling, on the bench with Justice Lawrence W. Gresser and Daniel F. Murphy, asked:

"How do you know the District Attorney hasn't got more evidence than was presented to the grand jury?"

District Attorney Samuel J. Foley declared the case would rest on the evidence adduced at the trials of seven co-defendants of Weiner, four of whom were sent to Elmira upon conviction of conspiracy to coerce and three for unlawful entry. Mr. Murray said he was willing to accept judgment on that evidence without the formality of a trial.

"I believe that there should be a trial in this case," Justice Walling declared. "No racketeer can get by me without trial. I believe this motion should be put over until the date of trial."

Justice Walling also said that an unfriendly remark had been made about him and expressed the belief that this disqualified him from sitting in the Weiner case. He added that he believed his colleagues were also disqualified because they had sat in the trial of the other defendants. The Justices finally decided that the motion to dismiss should be made on the trial date, and Mr. Murray was allowed to withdraw his application without prejudice. It was said that Justices, following the regular circuit, will be sitting in the Bronx court.

Mr. Murray asked if it would be possible to obtain a further adjournment, because he usually took his vacation in that month. Mr. Foley said he thought this could be arranged.

Assistant Attorney William H. Jackson strenuously objected to a delay of the trial of Jerome Kiselik, charged with attempted extortion of a fish dealer. A new attorney entering the case said he needed more time to familiarize himself with the facts as an associate of Frank Galgano, a former Assemblyman, who is Kiselik's attorney. Justice Walling agreed to the adjournment and Mr. Jackson accused him of antagonism. The case was adjourned and Justice Walling threatened to hold Mr. Jackson in contempt of court.

Racketeer Chief In Bronx Is Guilty. Joseph Weiner Gets Six Months To Three Years For Coercion In Poultry Conspiracy. Last Of Eight Sent To Prison. Prosecutor Confident That Terrorism Has Ended In Poultry There. (July 26, 1933)

Another chapter in the campaign against racketeers in the Bronx was written in the Bronx Court of Special Sessions, where Joseph Weiner, reputed boss racketeer of the poultry business, was found guilty of conspiracy to coerce. He was sentenced to an indeterminate term of from six months to three years in the penitentiary.

Weiner, who is 30 years old, and gave his address as 245 West 107th Street, appeared surprised as presiding Justice Daniel A. Direnzo announced the verdict in which Justice Harry F. Dale and Hyman Hafiel concurred. Motions by D. C. Murray, counsel for Weiner, to set aside the verdict and obtain a certificate of reasonable doubt were promptly denied by the court. Mr. Murray said an appeal would be taken.

The conviction of Weiner is the eighth in the poultry racket in four months. District Attorney Samuel Foley and his assistant, William H. Jackson, who prosecuted the cases, are confident they have broken up this particular form of graft and terrorism in Bronx.

The charges against Weiner and those previously brought into court were based on threats made against the S. S. & B. Live Poultry Ass'n, 2962 Park Ave. and the subsequent wrecking of the company's offices. The complaint against Weiner and others was made by Samuel Weiner, head of the corporation. Samuel Weiner is not related to Joseph Weiner, the defendant.

Samuel Weiner complained to District Attorney Foley that Joseph Weiner and others called on him and told him he would have to rent poultry crates from a company in which Joseph Weiner was connected "or be bumped off".

No attention was paid to the threat. Following petty annoyances, seven men drove up to the offices of the corporation and wrecked the market.

The seven were arrested while at work demolishing the market offices by the police who had been notified by a watchman. Weiner was not in the group, but his photograph was identified as the man who threatened him.

The seven were tried. Four were convicted of conspiracy and three were acquitted. The three were rearrested on charges of malicious mischief and convicted. Joseph Weiner disappeared and when later arrested, elected to have his own fate decided on the transcript of the testimony in the case of the four convicted of conspiracy to

coerce.

The four convicted of conspiracy to coerce were: Harry and Herman Drat, brothers; Charles Goldberg, an ex-prizefighter; and Jacob Roth. All were sent to the penitentiary. The other three sent away for malicious mischief were: Frank Aarn and John Petrazzelli (sentenced to the workhouse for six months) and Anthony Wilks, who was committed to Elmira Reformatory.

Code Seeks To End Poultry Rackets. Producers' Council Meeting Here, Told Of Rules To Clean Up Unsavory Conditions. AAA Adviser A Speaker. Termohlen Says Unfair Price Information And Advertising Should Be Barred. (Jan. 12, 1934)

A proposed AAA code of fair competition for the live poultry industry of the metropolitan area, which aims among other things, to clean up unsavory conditions of long standing in the industry, was outlined at the meeting of the Northeastern Poultry Producers' Council at the Hotel Wellington. The code, which comes up for public hearing in Washington, was described by V. D. Termohlen, special advisor of the AAA at Washington.

Mr. Termohlen said it had grown out of discussions with leaders in the industry who were anxious to improve conditions. He added that those who drew it up had been in close contact with the Department of Justice.

He said that nothing in the proposals or his remarks represented official opinions or were to be regarded as having the approval of the AAA or of the NRA as applying to industry.

"All of us know the headlines that have appeared in the papers regarding this industry in New York", he said, "and some of you have probably had your own experiences. We know that it does not have the most savory reputation, and many people think that it is a bad and rotten industry.

"I did, too, before I met its representatives, but after talking with them over a period of time, I know that there are some of them who desire to see it cleaned up and make a sound, honest industry all the way through. That is the honest intention of a good many people in the live-poultry industry."

In the discussion period later he was asked whether it was the aim to work toward a codification of all agricultural commodities, as the NRA does in its field, or only to codify the things

that the industries want. He replied that he could not answer for the A.A.A., although so far the attitude was not that "you have got to do this or that".

Reviewing the list of unfair methods of competition which it is proposed to prohibit, he said that he felt the provision on unfair advertising should include a clause against putting out unfair price information. He also listed commercial bribery and interference with contractual relations among unfair practices.

Regarding the section of misrepresenting live poultry as to point of origin, quality, condition or kind, he added that "we need some real, sound grading programs."

The organization voted to appoint a committee which is to draft resolutions on the proposed code for approval by the whole group and then is to represent the council at Washington.

War On Rackets Outlined By Dodge.
(Jan. 22, 1934)

The new city administration's moves in its war against rackets were described in a symposium presided over by Dr. Geo. Egbert, president of the Society for the Prevention of Crime and broadcast over station W.O.R. Those who participated were: District Attorney Wm. C. Dodge, Aldermanic President Bernard Deutch, and Wm. F. Morgan, Jr., Commissioner of Markets. The primary step in eradicating the gangster's tribute on legitimate business, Mr. Dodge declared, is the cooperation of the public with the District Attorney's office. He assured the listeners that complaint would receive adequate protections and the investigation and prosecution of cases laid before him would go forward with swiftness and dispatch. The common worry of the citizen is that his information to our offices gets out and that he would rather submit than place his family and himself in danger of personal injury.

"We can't be too emphatic in our statement that leaks have been stopped. Absolute protection can be given to victims, but we must get their cooperation. They are urgently requested to come and tell their stories to the District Attorney in full confidence. Our investigation will be made so quietly and so secretly that the gunman, the racketeer, and the gangster will never know it even started or when, or where. And when the necessary legal evidence is obtained it will be held in abeyance. To the Grand Jury will be presented only such evidence as is necessary to make out a prima facie case. Important witnesses will be unknown to the accused, to the criminal, and will be a closely guarded secret of the District Attorney until the time of trial."

Referring to his determination to rid New York of racketeers,

Mr. Dodge concluded:

"If high pressure slugging and highhanded methods are what they want they are going to get it, every inch of it, and we can also hit below the belt. We are pledged to knock these pirates into a cocked hat and we mean to keep that pledge. We are going to make the word racketeer absolute, but we must first have your complete confidence, your sincere and sympathetic cooperation."

Commissioner Morgan said that his first few days in office had brought to him the realization that each of the 7,000,000 men, women, and children in Greater New York are paying more than $7 each per year into the coffers of racketeers in the food industry. The total annual tribute, he said, is about $50,000,000. "Of course", he said, "you are not told when you buy a pound of fish that two cents has been added to the price to meet the tribute exacted by Socks, Lanza and his cohorts, but it is there. I was in the fish business and I know." Mr. Deutch said he believed racketeering backed by violence existed in probably 100 different lines of business in the City. Politics must take its hands off the bench, the bar, the District Attorney's office, and last, but not least, the Police Department, Mr. Deutch declared.

Injunction Upheld In Poultry Racket.
Federal Supreme Court Says Violation
Of Anti-Trust Laws Here Was Shown.
Violence Charges Cited. Denials Of
Guilt In The Alleged Conspiracy Are
Held 'Sham' In An Opinion By Butler.
(February 6, 1934)

An injunction which aimed to check the New York "poultry racket" was upheld by the Supreme Court today in a ruling on an appeal by organizations and individuals from the order which was issued by the Southern District Court of New York.

The defendants were Local 167 of the International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America; the Official Orthodox Poultry Slaughterers of America, Inc., known as the Schoctim Union, and 14 individuals, including Carl Firestone, and Charles Gershowitz.

The district court held that certain of the defendants were engaged in a conspiracy in violation of the Sherman Anti-Trust Act, and enjoined them from continuing practices which it declared illegal. The Government charged that terrorism by gangsters was a part of the conspiracy.

The defendants, together with the Greater N. Y. Live Poultry Chamber of Commerce, resisted the decree, which followed a criminal prosecution in which 66 were convicted.

The Supreme Court, opinion by Justice Butlers, continued:

"The Chamber, through a levy of a cent a lb. upon poultry sold by the market men, raised money more than $1,000,000 in the first year to pay for enforcement activities.

"To accomplish various purposes of the conspiracy, the conspirators hired men to obstruct the business of dealers who resisted. They spied on wholesalers and retailers and, by violence and other forms of intimidation, prevented them from freely purchasing live poultry.

"And, for like purpose and to extort money for themselves and their associates, members of Local 167 refused to handle poultry for recalcitrant market men and members of the Schoctim Union refused to slaughter."

In another place the opinion said:

"Appellants' contention that the proof shows that they abandoned the conspiracy before the commencement of this suit cannot be sustained. The conspiracy was not for a temporary purpose, but to dominate a great and permanent business. It was highly organized and maintained by the levy, collection and expenditure of enormous sums. In the absence of definite proof to that effect, abandonment will not be presumed."

To the extent that the answers attempted to deny participation of convicted defendants in the conspiracy of which they had been found guilty, they are false and sham, and the district court rightly treated them.

Joe Weiner, so-called "poultry czar" and seven alleged racketeers were accused of contempt of court by Walter L. Rice, special assistant to Attorney General Cummings.

Mr. Rice said they and the unions for which they were agents had violated an injunction issued by Judge Francis Caffey, by refusing to load poultry for certain dealers, by refusing to slaughter poultry for others and by threat of violence to chicken market owners.

He maintained the defendants monopolized a $50,000,000 industry in violation of the Anti-Trust Law.

Weiner, who was convicted of coercion, after wrecking of a poultry plant in the Bronx, pleaded not guilty to the charges, as

did his associates. They appealed from the injunction and the case went to the Supreme Court of the U. S. for review.

Meat and Grocery Men Clash On Code.

A sharp controversy between butchers and retailers of grocery products over code operations came to a head here with the announcement by the New York State Ass'n. of Retail Meat Dealers that on the advice of counsel they will continue to operate under the hour and wage provisions of the President's blanket code. The meat retailers pressing for a code of their own have not given up hope of obtaining one despite the fact that they are lumped with retail grocers under the New York State Food and Grocery Distributors' Code Authority. E. W. Williams of the Butchers' group said:

"We have urged all our members to observe most carefully the hour and wage provisions under N.R.A. The formal statement issued by the meat retailers' state organization reads: 'We have been advised by our council Representative Emanuel Cellar of Brooklyn to operate under the President's agreement until acceptance of our own code is announced. We are working in cooperation with various associations of meat dealers throughout the country who are all in agreement that the meat industry must have a code to deal with the industry's special problems.'"

According to a spokesman for the butchers, their problems are altogether different from those faced by retail grocers. The question of wages alone involving as it does pay for skilled butchers and ordinary help is foreign to the grocery retailer. Trade practices in the industry where meats are sold by the net weight as compared with the packaged basis in groceries are altogether different, they contend.

Philip C. Friese, Secretary of the New York State Food and Grocery Distributors' code authority said that he is familiar with the objections raised by the meat dealers, but argued that the points of difference were minor and could be handled without difficulty through an arrangement made with the code authority.

"Steps now under way", Mr. Friese said, "are aimed at giving the meat retailers representation upon the code authorities governing the two trades. The meat retailers will have ample opportunity to vote upon actions taken by the code authority". Mr. Friese continued, "I don't see how they can claim that their business is so different from the grocers that the two cannot be embraced under one program affecting all food distributors. Certainly hundreds of retail grocers also carry meat and the majority of butchers include grocery products. If separate codes were written for each branch of the trade it would require the services of a Philadelphia lawyer to decide the point where the grocery code's jurisdiction ended and

the meat dealer's regulations started."

Study Kosher Food Laws. (March 6, 1934)

Transfer of the enforcement of Kosher food laws from the Public Markets' Department to the Health Department was urged at City Hall by several speakers representing Jewish organizations. Aldermanic President Bernard S. Deutsch, who presided, said it was estimated that $200,000,000 a year was spent on Kosher food in this city.

Signs Code To End Poultry Rackets. President Approves Plan For Regulating Live Fowl Market Here. Peterson Is Supervisor. Former Police Aide To Moses Has Drastic Powers -- Many practices Banned. (April 14, 1934)

As one of his first acts upon returning to the White House, President Roosevelt signed a code of fair competition for the live poultry industry of the New York Metropolitan area. The code is designed to eradicate one of the State's most expensive forms of racketeering.

Leroy C. Peterson, at one time associated with Colonel Arthur Woods in the New York Police Department in crime prevention work and more recently connected with the A. A. A. Consumer's Counsel, will be named code supervisor by General Hugh S. Johnson and Secretary Wallace, who have joint jurisdiction over the code.

He will leave for New York City to prepare for placing the code in effect.

Mayor LaGuardia and Wm. Fellowes Morgan, Jr., New York City Commissioner of Markets, have assured Mr. Peterson of their approval and their cooperation.

"For the first time since racketeering practices have developed in the industry a coalition of Federal, State, and municipal authority is assisting to correct evil conditions forced by a small group seeking special privilege", said Mr. Peterson. "We hope to be able to put the industry on a basis of fair competition which will benefit consumers, producers, and the industry itself."

Discouraging use of the term "czar" in connection with the powers conferred on him by the code, Mr. Peterson said the industry had expressed a desire to be "cleaned up" and had given him a free hand to do the job.

He will be paid by the industry.

The most important provisions of the code are enforceable directly by the Department of Justice through the courts upon notification by the code supervisor that they are being violated.

The metropolitan area consumes 80 per cent of the national live poultry, moved to market. The code will be a guide for all other principal markets.

The code specifies that a better system of daily market quotations shall be worked out. Under the present system, representatives of jobbers, wholesalers, and commission merchants meet each morning to determine the price for the day.

Before 10 o'clock the price basis they set is flashed over the country and becomes the basis for price quotations in practically all other markets.

Under the fair trade practice provisions of the code combinations to apportion territory of trade or to allocate customers among individual firms are unlawful, as also are unreasonable charges for rental of coops or for trucking or for loading and unloading of trucks and cars. It is provided that these services may be performed by the shipper at his option.

The code supervisor will be assisted by an industrial advisory committee elected by commission merchants and slaughter-operators.

Every member of the industry is required under the code to make weekly reports of the range of daily prices and the volume of sales. Also each week firms are to make reports regarding expected shipments and no unreported poultry can be unloaded or sold.

Forty hours is fixed as the maximum work week for commission houses and 48 hours for slaughter houses, with minimum wages of 50¢ per hour. During Jewish holidays employees may be permitted to work in excess of those scheduled, but must receive pay at the rate of time and one-third.

False advertising, sale of inedible products, secret rebates, overfeeding just before sale and commercial bribery, prices discrimination, premiums and misrepresentation of expected shipments are prohibited.

LaGuardia Studying Food Racket Cases.
(May 18, 1934)

Improvement of the food distribution system in this city was discussed at City Hall at a conference sponsored by the New York City Federation of Women's Clubs. Mayor LaGuardia told of the drive conducted by the Market's Department against food racketeers and said

his officials were not discouraged by the fact that the only thing they get from some magistrates is abuse. He added that he was watching the magistrates who did not cooperate in the drive and that a record of their statements on food racketeering cases was being kept. The time of close relations between officials on the bench or otherwise and racketeers is at an end, he told the 100 club women present. The Mayor explained that the daily bulletin of the Markets Department wholesale food prices would be broadened to include retail prices if the merchants of the city would cooperate. As he outlined it, merchants in one section would be asked to maintain the same set of prices for 24 hours. Failure in that, he said, the Markets Department would broadcast prices obtaining in the open-air public markets. When the Mayor entered the Board of Estimates' chamber, Mrs. Colleen Parker, president of the federation moved to vacate the Mayor's chair.

"Don't move", the Mayor said. "After all, the job of being Mayor is just one of housekeeping on a large scale. The time may not be far distant when a lady may grace that chair for four years; she couldn't be worse than some of my predecessors."

William F. Morgan, Jr., Commissioner of Markets, told of the plans for popularizing a second Fish Day of the week. He said it would be observed for the first time on the Gloucester fishing schooner "Gertrude".

The band will arrive here with 100,000 pounds of haddock. Other speakers were: Carl W. Wanhall, Deputy Markets; Commissioner George Royce, director of the local office of the State Department of Agriculture; and Webster Birdsall, director of the State Bureau of Markets.

City Will Support Poultry Boycott.
Morgan Promises Slaughter House Men
To Aid In Move To End Racketeering.
Seeks Wallace's Help. Declares Strike
In Spreading -- Complete Market Tie-Up
Is Threatened. (July 7, 1934)

With a complete tie-up of the city's live poultry market threatened, Wm. Fellowes Morgan, Jr., Commissioner of Markets, told the wholesale and retail slaughter houses supplying largely the Kosher trade that he was squarely behind their fight to end racketeering and exorbitant prices charged for trucking, coop hire and feed.

Mr. Morgan said reports to his department showed that slaughter houses throughout the city were refusing to buy until a settlement was reached, and that there were indications that the movement to stop buying would spread rapidly. The buying strike was launched by

the wholesale and retail slaughter houses as a protest alleged excessive wage demands presented by the workers following a meeting of their union at the Broadway Central Hotel. Also protest against trucking and coop hire practices.

Speaking on behalf of Mayor LaGuardia before 150 members of the L. R. S. H. Association, Inc., Commissioner Morgan declared that the City administration was behind their efforts to end racketeering in the industry as long as those efforts were made in an orderly manner. He said he had written Secretary of Agriculture Henry A. Wallace for an appointment to discuss the situation.

Leroy Peterson, supervisor of the live poultry code authority, addressing the same association at its headquarters (55 Lawton Ave. West Washington Market) also announced that he would be in Washington to discuss the situation with Secretary Wallace.

Mr. Morgan attended a meeting of the executive committee of the New York Live Poultry Commission Merchants' Association, 13 Loew Ave., West Washington Market. Following the meeting, Herbert Frankel, President of the Association, denied there was a tie-up in the live poultry market. He said that there was no shortage of poultry for the Kosher trade, pointing out that 24 cars had been unloaded.

Mr. Frankel further denied that the commission merchants were involved in the charges of exorbitant trucking costs and coop hire. He maintained that the controversy with the union was over wage and hour provisions of the code. Mr. Frankel said that an effort to reach an agreement on the code provisions would be made at a meeting to be held at West Washington Market.

Mr. Peterson endeavored to bring about a meeting of committees representing the slaughter houses and the commission merchants, but faced an impasse when the commission merchants refused to negotiate with a committee headed by Abraham Frankel, president of the Live Poultry Slaughter House Association.

Mr. Frankel announced that an agreement had been reached with Charles Cohen, President of the Kosher Butchers' Federation of America, to stop purchasing poultry.

The slaughter houses have stipulated, according to Mr. Peterson, that they will pay 50¢ a coop for trucking, representing a reduction of 75¢ in established prices. They are demanding also that allowances be made for shrinkage in weight.

The slaughter houses maintain that excess charges in the metropolitan district annually amount to more than $16,000,000 in a poultry industry doing a business of $90,000,000 a year. They declare that the purpose of their strike is to eliminate the dif-

ference between the price paid to the farmer for poultry and the price paid by the consumer.

Peace Move Fails In Poultry Tie-Up. But Commission Merchants' Head Promises Normal Flow Of Business. Ready To Unload 20 Cars. Frankel Also Says More Shipments Will Be Delivered. Boycott Is Laid To Wage Fight. (July 8, 1934)

Facing a buying strike begun by the wholesale and retail slaughter houses, Herbert Frankel, President of the New York Live Poultry Commission Merchants' Association, promised that the live poultry market, supplying largely the Kosher trade, would see a normal flow of business.

Negotiations to settle the strike aimed at racketeering and exorbitant trucking, coop hire and feed charges, (also demands for higher wages and shorter hours by the workers) made little headway.

The meeting which Mr. Frankel had announced the commission merchants would hold with the workers to adjust wage and hour difficulties did not materialize. Abraham Frankel, President of the L. P. S. H. Association, announced that the meeting had been called off "on account of the heat."

Mr. Frankel added that the slaughter houses would "stick to our guns". William Fellowes Morgan, Jr., Commissioner of Markets, announced that the city would stand back of the slaughter houses in their fight on racketeering and exorbitant charges.

Mr. Morgan and Leroy Peterson, supervisor of the live poultry code authority, expect to go to Washington to lay the situation before Secretary of Agriculture Wallace.

In promising a normal flow of business, Mr. Frankel said that members of the New York Live Poultry Commission Merchants' Association expected to unload 20 cars of poultry held over in railroad yards, and the equivalent of 15 additional cars expected to be shipped in by express trucks.

Mr. Frankel declared that there was not a sufficient number of slaughter houses in the Live Poultry Slaughter Houses Association to cause a tie-up in the live poultry market. Of the 350 slaughter houses in the City, only 100 are members of the Association, according to Mr. Frankel, who also pointed out that 150 of the 350 were retail establishments.

The controversy is not over exorbitant prices, but due to wage and labor provisions of the live poultry code, according to Mr. Frankel, who said the union is demanding a 50% wage increase.

The commission merchants propose a change in working hours, Mr. Frankel explained. The hours are from 6 A. M. to 3 P. M. and, exclusive of the lunch hour, total 48 hours a week. The commission merchants' desire for flexibility in working hours is in order to have the workers on duty from 4 A. M. to 7 P. M. on rush days, such as Thursdays and Fridays. They propose to pay for overtime.

More reasonable prices for consumers of live poultry were promised by Mr. Frankel if the "evils" of the industry, including the reasonable charges, were eliminated. With the elimination of practices complained of, Mr. Frankel forecasted that the public would save 2½¢ a pound.

Another objection by the slaughter houses, said Mr. Frankel, is the manner in which the daily live poultry market prices are fixed. He declared that the daily prices were fixed in an arbitrary manner and that his group was not consulted. He added that the Live Poultry Slaughter Houses Association handled 80% of the average weekly shipment of 600,000 chickens to the New York market.

F. C. Foy, veteran market expert, who published Foy's Daily Market Reports until the Government instituted free daily market reports, asserted that the controversy over trucking charges, coop hire, and feed charges was "just a smoke screen."

Mr. Foy held that a sharpening of credits was the cause, and that credits had been stiffened largely as a result of code provisions which made it a violation under N. I. R. A. to sell live poultry at less than overhead costs. According to Mr. Foy, some slaughter houses owe $1,000,000 to live poultry receivers and are seeking to readjust by advancing trucking, coop hire, and feeding charges as arguments.

The conference among Mr. Morgan, Mr. Paterson and Secretary Wallace may result in the reorganization of the live poultry inspection service here under the Bureau of Agricultural Economics, according to Mr. Foy.

<u>Peace Move In Poultry Strike. Commissioner Morgan May Go To Capital To See Wallace And AAA Officials. 22 Cars Of Fowl Held Up. Few Slaughter Houses Operating -- Code Director Seeks To Bring Warring Factions Together.</u>
(July 9, 1934)

With deliveries of 22 carloads of chickens held up over the

week-end in the New York Central Yards and other railroad terminals here by the strike by wholesale and retail slaughter houses against the New York Live Poultry Commission Merchants' Association, the intervention of the A.A.A. may be sought to settle the dispute.

The strike is aimed at racketeering and exorbitant charges for trucking, coop hire and feed. There is also a labor element, with truckmen for the merchants demanding readjustment of wages and hours. The strike has been on since Thursday.

William Fellowes Morgan, Commissioner of Markets, who is sympathetic to the contentions of the slaughter house owners, may go to Washington to confer with Secretary of Agriculture Wallace and A. A. A. officials on the strike situation and other problems affecting the poultry industry here.

Another effort to end the strike will be made by the live poultry code authority, which intervened previously without success. Leroy Peterson, its director, said the authority stood ready to help bring the warring factions together, but he didn't appear optomistic of an early settlement.

Mr. Peterson also planned to go to Washington, not in connection with the strike, but to discuss with A. A. A. officials code matters such as more rigid compliance, amendments to make compliance more effective, and reduction in the cost of distribution of live poultry, particularly with reference to the interest of shippers and farmers. He indicated, however, that while in Washington he also may take up the strike situation.

The conference in Washington may result in the reorganization of the live poultry inspection service here under the Bureau of Agricultural Economics.

A survey of the situation here disclosed that virtually all the 100 wholesale houses have been effected by the strike, with very few of them in operation. In addition, some 150 slaughter houses, doing both a wholesale and retail business, are involved. Some 5,000 retail Kosher shops are facing a poultry famine if the strike continues much longer.

There was no indication that either the accumulated shipment or any fresh arrival of live poultry would be moved, although Herbert Frankel, President of the New York Live Poultry Commission Merchants' Association, was confident that business would "soon be normal". He said 25 carloads of poultry would be available besides motor shipments. Abraham Frankel, President of the Live Poultry Slaughter Houses Association, said the strike was 80% effective.

The strike has been directed against alleged exorbitant charges, coop hire, and feed costs.

William Fellowes Morgan, Commissioner of Markets, who has been sympathetic with the slaughter house men, explained that exorbitant trucking, coop hire, and feed charges and other forms of racketeering had increased the price of poultry to $192 a carload or "about twice as much" as it should be. If the evils were to be eliminated, he said, the prevailing price could be cut in half, with a saving of $750,000 to farmers and benefit to the consumers in a reduced price of poultry.

N. R. A. Indictments Name Poultry Men. Four Schechter Brothers Face Charges Of Selling Unfit Chickens To Public. Two Corporations Listed. Conspiracy And Violation Of Fair Practice Code Are Alleged In 60 Counts. (July 27, 1934)

Indictments charging both conspiracy to violate and the violation of provisions of the NRA and the code of fair practice for the live poultry industry of the metropolitan area against four men in the live poultry industry and two corporations they control were handed up by the Federal grand jury for the Eastern District of New York.

The indictments against the A. L. A. Schechter Poultry Corp. of 858 E. 52nd St., Brooklyn; the Schechter Live Poultry Market, Inc., of 991 Rockaway Ave., Brooklyn; and Joseph Martin, Alex and Aaron Schechter, described as joint proprietors and owners of the corporations, include 60 counts, and are the most lengthy thus far found under the N.R.A. It is the first real test of the issue of the constitutionality of the N. R. A. This code, it is believed, will be determining factor in deciding whether the Federal Government has jurisdiction to interfere in a local industry on the grounds that the matter affects interstate commerce.

The presentment decrees that the conspiracy charged including an agreement to sell for human consumption unfit poultry is violation of the code, and that the sale of uninspected poultry encouraged violations by others in the industry. The alleged conspiracy, it is charged, caused a "disruption of the normal flow of interstate commerce in live poultry coming into the State of New York from other States", and obstructed and prevented the accomplishment of the purpose of the code.

The presentment further charged that both price and quality were affected by the practices alleged. Authorities on the industry declared in this connection that the practices charged resulted in making New York a dumping ground for diseased live poultry for which shippers can find no market in other large cities.

They added that the effort of this can be realized when it is recalled that 98% of the city's live poultry comes from the South and West, and a few coops of diseased chickens will contaminate a whole carload. Experts disagreed on whether these poultry diseases are communicable to humans, some alleging that they are.

The indictments were handed up to Federal Judge Clarence G. Carleton after more than a month of investigation under Walter L. Rice, special assistant to the United States Attorney General, and Leo J. Hickey, United States Attorney General for the Eastern District. Associated with them were Arthur M. Loeb, attorney for the live poultry code, and his assistant, Irving Dale.

Conviction on the conspiracy indictment carries the possibility of imprisonment up to two years and a fine up to $10,000. The other counts make the defendants liable to fines of $500 each on indictment. If the men are convicted of all counts and maximum fines levied, the government could collect $180,000.

The indictments also are regarded as of especial interest because the live poultry code is one of the few that comes under both the N.R.A. and the A.A.A. The live poultry code, which has been in operation, covers an industry with a turnover of 200,000,000 lbs. in normal years, and a gross of 176,000,000 last year. It has grown up around the requirements of orthodox Jews for ritualistically killed chickens and has been torn by strife for many years.

Organizer Seized In Meat Racket. President Held In Inquiry Into Alleged Price-Fixing By Kosher Butcher Group. Exorbitant Profits Cited. Federation Said To Have Coerced Dealers To Join In Plot That Victimized Public. (Aug. 1, 1934)

An investigation by the Anti-Racket Bureau of the State Attorney General's office into the activities of the Federation of Kosher Butchers, with headquarters at 147 W. 42nd St., resulted in the arrest of the President of the Federation on charges of conspiracy. He described himself as Charles Cohen, 49 years old, of 627 Tales Ave., the Bronx. He was removed to Queens, where the alleged conspiracy took place.

Other arrests will be made, according to Thomas F. Ward, Jr., chief investigator of the bureau. Mr. Ward said that the Federation dictated to its 2,000 members the prices that should be charged for various meats, which, he said, were about 10 cents a pound higher than those charged by non-members. He said the arbitrary prices insured exorbitant profits to the federation members. Butchers refusing to join the organization, he said, were threatened with per-

sonal violence and damage to their properties.

"A fund was raised by taxing each member of the federation one cent for every pound of chicken he killed", Mr. Ward declared. "Each member at this rate would pay approximately $15 to $20 weekly. This fund is used to open stores in close proximity to those butchers who refuse to join, and meats are sold at such a ridiculously low prices that these butchers are either forced to join the Federation or get out of business."

Mr. Ward also said that prospective members were told that unless they joined and lived up to the rules of the Federation the officials would see to it that credit would be stopped at the slaughter houses.

"In the long run, the public suffered because of the arbitrary fixing of prices", Mr. Ward said. "Prices charged by non-members of the Association bring in a fair and reasonable profit. They realize about 40 per cent on sales.

"The prices fixed by the Association attempt to make a profit for its members ranging between 60 and 70 per cent on their sales. Thus it can be seen that if the Association functions, the ultimate sufferer is the purchasing public."

Mr. Ward made public a list showing the difference in prices of members and non-members of the Association. The list of prices per pound for meats is as follows:

Cuts of Meats	Rates Charged by Non-Members	Rates Fixed For Members
Mixed Meat	24¢	30¢
Chuck Steak	26¢	32¢
Shoulder Steak	35¢	45¢
Breast of Beef	35¢	45¢
" " Veal	10¢	20¢
Rib Cutlets	25¢	35¢
Lamb Chops	35¢	45¢

<u>The Live Poultry Industry Is Busy Housecleaning. A Determined Effort Is Being Made Under The Code To Aid Both The Producer And The Consumer And Prevent "Rackets".</u> (Sept. 9, 1934)

New York City's live poultry market, the largest in the world,

is by way of being put on a business basis. In as much as prices in the metropolitan area are the basis of prices throughout the United States, the reorganization of housecleaning under way is of significance not only in housewives but to farmers throughout the United States.

As part of this process the wholesale and retail slaughter house instituted a buyer's strike or boycott. While it was in progress scores of carloads of poultry stood idle at or near terminal, at a daily cost to the consignees, usually commission men, of $50. The cost had proved so severe to both sides that some compromise was inevitable. The market was being depleted and there was the threat of a shortage of freshly killed chickens. The strike was thus concluded; but the terms were unsatisfactory, so that no farmer contract was signed. Indeed, a peace had been made which, it is said, was little more than a truce.

About 2/3 of the poultry consumed in the metropolitan area arrives in refrigerator cars, after being slaughtered at a distance. It comes from 41 States, chiefly in the Middle West. The remaining 1/3 is alive, and is intended chiefly for Jews, Italians, and Chinese, who want freshly killed meat.

A code for the industry was established, but was not put into effect, after the personnel had been selected and administrative machinery erected. Leroy Peterson was made supervisor. He had assisted Colonel Arthur Woods in the New York Police Department in a study of crime prevention, and when the code was adopted was connected with the staff of the A.A.A. Consumer's Council.

Mr. Peterson's experience in the Police Department had taught him something about underworld conditions in New York, and his experience in Washington had given him a lively consideration for the consumer's interests. The terms of the code, and the fact that it was answerable to Secretary of Agriculture Wallace as well as to General Hugh S. Johnson, made him look to the farmer's interest. But he was interested, also, as affecting both these groups, in the costs of distribution in New York, in establishing free play and demand in the market, and in remedying unwholesome conditions in the industry.

It costs more to move a live chicken from 16th St. and Hudson River, the main point of entry of a slaughter house, than it costs to move that chicken from Illinois to New York. Poultry growers get from 16 to 12 cents a pound for a commodity which sells to the consumers at 28 to 30 cents. Mr. Peterson says that the farmer should get about two cents more per pound, and that the housewives should pay substantially less than they do.

Where does the spread in price between the farmer and the buyer, other than those charges unavoidable in distribution, take on the heavier load? On every coop of live poultry moved from the termini - New York Central, Lackawanna, Erie, or New Haven Railroad -- 50 cents is paid arbitrarily to the New York Poultry Trucking Company. Then the compnay pays 20 cents of this to the men who lead the delivery trucks. Actually, the wholesale and retail slaughter-houses move most of the fowls in their own trucks, and the "monopoly" moves only 115 of them; but it charges the half-dollar in any event. Of those coops which it really moves, it receives from 60 cents to $1, according to the distance.

The New Jersey Coop Company, controlled and largely owned by the men who dominated the trucking corporation, has a monopoly of the coop-end of the business, and it rents each coop, which costs $1.55 to make, at 85 cents.

The two companies mentioned are not the only features involved in the trade. Referring again to court documents and to the record of the hearings, it is seen at the railroad termini a crew of five men unloaded each car, a task requiring about two hours, and receive $48 among them. This is at the rate of nearly $5 an hour per man. They are members of a "benevolent association" not affiliated with the American Federation of Labor.

Two men then require some two hours to move the coops from the railroad platform to trucks, and get $18 for the work. The driver of the trucks are members of Local 167.

The supervisor has had the help of William Fellowes Morgan, Jr., Commissioner of Markets for New York City. Mr. Morgan had spent five years in the investigation of food racketeering in New York before he accepted the post of Market Commissioner, and he had already proved himself a thorn in the side of those who extorted unfair prices from the Fulton Fish Market. He had estimated that New York housewives paid an annual tribute to food racketeers of $15,000,000, and that part of this arose in the poultry industry. He and Mr. Peterson found that the average cost of moving a carload of poultry after it reached New York was $178. This has been reduced by $22.50, but the two officials thought it should be less than $100.

They thought that more reasonable prices would revive the industry, which was afflicted with receiverships and bankruptcies, and that with facilities capable of forty-five per cent more business, the turnover under proper conditions could be increased to capacity. The industry had declined from 205,000,000 lbs. in 1930 to 174,000,000 in 1933, and as the prospect of only 165,000,000 this year.

Mayor LaGuardia, when a committee of the Northeastern Poultry Producers' Council presented to him a resolution denouncing rack-steering in this market, said:

"You must realize that the Mayor and his police department are powerless to cope with racketeers unless the people who are exploited are willing to come forward and give us evidence that will stand up in court. I know there are racketeers in the live poultry industry. We intend to drive them out. We want the farmer to know that there is a "New Deal" in our markets, and that he can help to make it permanent. Give us evidence. That is what we want."

Getting evidence is as much Leroy Peterson's job as administering the poultry code.

Rabbis Threaten Rigid Poultry Ban. Edict May Forbid Buying Non-Kosher Sources Unless Industry Cleans House. Sales Would Be Cut 80%. Rosalsky, Mediator, Urges NRA Supervision, But Dealers Seem Cool To The Proposal. (Oct. 23, 1934)

Orthodox Jews in this city will be forbidden by rabbinical edict to buy poultry from any non-Kosher source unless the poultry industry rids itself of practices contrary to Jewish Dietary Laws, Rabbi Nachman H. Ebin declared at City Hall.

Dr. Ebin, leader of the Kashruth Association, made his statement before a group of Rabbis, representatives of the AAA from Washington, poultry wholesalers and retailers, and a group of schochtim or Kosher slaughterers. He said the Rabbis, because of the attitude of poultry dealers, found themselves with no other weapon to enforce the Dietary laws. The edict, or "issur" would reduce the poultry business here by 80%, the Rabbis estimated. If issued, it will be the first of its kind in the country.

General Sessions Judge Otto A. Rosalsky, appointed as mediator by Mayor LaGuardia, presided at meeting. At many previous conferences he has heard testimony from both the Rabbis and the poultry dealers. He made his report, providing that all poultry slaughtered as Kosher should have a seal attached to show that it was Kosher. Substitution of non-Kosher for Kosher fowl has been one of the chief complaints of the Rabbinate.

Judge Rosalsky proposed that the poultry industry be brought under the NRA in the same manner as the milk industry now functions. He said stabilization of prices of Kosher and non-Kosher fowl would protect the industry and at the same time provide the protection sought by the Rabbis. When he asked how many poultry dealers would

abide by that solution, not one hand went up. The Rabbis said the decision was acceptable to them.

Rabbi Zbin pleaded with the dealers' representatives, asking them not to force the Rabbis to issue an edict. He said that was the last thing the Rabbis wished to do, but at the same time he stressed their determination to have the Kosher laws observed. The meeting was about to break up when an executive session was suggested, with only one member of each group represented.

After going over about the same ground as was covered earlier, the executive session broke up. Rabbi Zbin announced that a meeting would be held between the Rabbis and poultry dealers at Congregation Kehilath Yeshuran, 115 East 85th Street.

First Felony Case Is Won Under NRA. Four Brothers Convicted In Brooklyn Of Violating Live Poultry Industry Code. Face Two Years Sentences. Special Federal Prosecutor Hails Verdict Because Of Interstate Implications.
(Nov. 2, 1934)

Four brothers -- Joseph, Alexander, Martin and Aaron Schechter, proprietors of slaughter-houses of 858 E. 52nd St. and 941 Rockaway Ave., Brooklyn, were found guilty by a jury in the Federal Court in Brooklyn of violation of the NRA live poultry code for the metropolitan area. Judge Marcus B. Campbell fixed the sentence.

Walter L. Rice, Special Assistant Attorney General, was sent from Washington to conduct the prosecution. Mr. Rice said the conviction was the first in this country in a felony prosecution under the NRA.

The trial was begun. The indictment returned originally contained sixty counts, charging conspiracy, sale of poultry unfit for human consumption, sale of uninspected poultry and violation of the labor provisions of the code. Following argument on a demurrer, Judge Campbell dismissed nineteen of the counts. At the conclusion of the taking of evidence he dismissed eight more counts alleging violation of the labor provisions of the code.

The jury found the defendants guilty on nineteen counts. The first, charging conspiracy, is a felony and is punishable by a maximum sentence of two years in prison and a fine of $10,000. The other eighteen counts charge sales of poultry unfit for human consumption and the maximum sentence is $500 on each count.

"This verdict is a sweeping victory of immense importance", said Mr. Rice. "It is particularly significant because Judge Campbell

charged the jury very definitely on the scope of the NRA and its relation to interstate commerce." He said that violation of the code, however small, which had effect on the operations on interstate commerce made the defendants amenable to the law.

Poultry Code Rules Approved. (Nov. 9, 1934)

Secretary Wallace approved rules and regulations to be invoked under the New York live poultry code. They interpret two amendments to the code, on weekly reports and filling and posting of prices, and requirements for inspection of live poultry by licensed inspectors of the Department of Agriculture.

City Rabbis Invoke Sacred Ban In Row. Orthodox Edict, First Of Kind In Nation, Forbids Eating Of Unauthorized Poultry Dealers' Stand Blamed. $1,000,000 Weekly Sale Halted After Refusal To Put Seal On Kosher Birds. (Nov. 6, 1934)

Under a rabbinical edict, orthodox Jews in this city were forbidden to use any poultry unless it bears the seal of the Kashruth Association. The Association is composed of Rabbis who supervise the slaughtering of Kosher poultry. About $1,000,000 is spent weekly for Kosher poultry.

The edict was read by Rabbi Israel Disovitz of Brooklyn at the Synagogue Beth-Midrash Hagodal, 60 Norfolk Street, before more than 300 orthodox Rabbis and about 800 other persons interested in the handling of Kosher poultry. The edict or "issur" became effective immediately and is expected virtually to halt poultry sales among orthodox Jews in and about New York.

The issuing of the order, it was said, was the first act of its kind in the United States. It has the effect of a religious ban, and in announcing it from the pulpit before the assembled Rabbis and laity Rabbi Disovitz said it was the last thing the Rabbis wanted to do. He declared the step had been forced on the failure of the dealers to have the Kosher laws observed.

The step was taken, Rabbi Disovitz added, because the dealers had failed to abide by the ruling of Judge Rosalsky of the Court of General Sessions, who recommended that all poultry slaughtered as Kosher should have a Kosher seal. Judge Rosalsky was appointed as mediator by Mayor LaGuardia to adjust complaints in the Kosher poultry industry.

In the controversy it has been asserted that to carry out

the suggestion of the Rabbis and put a seal on each Kosher-killed chicken would cost about one cent for each bird. This was the estimate of representatives of the Kashruth Association, but it was disputed by poultry dealers. The poultry dealers declared compliance with the demands of the Rabbis would force the price of Kosher poultry upwards to a point where most of the dealers would be driven out of business.

The dealers had to accept Judge Rosalsky's suggestions, and their failure to do so resulted in the "issur".

The religious services at the synagogue were opened by Rabbi Benj. Fleischer of the Beth-Ha-Midrash Hagodal. Prayers were read and, as the ban was pronounced, the Torah, or Holy Scrolls, were exposed to view. During the reading of the edict, there was considerable jostling in the synagogue, those in the rear trying to force their way toward the pulpit. Four policemen had to force their way into the synagogue to restore order.

After the ban was read by Rabbi Nachman A. Ebin, chairman of the Kashruth Association, tried to explain plans for the future. He was unable to make himself heard because of shouts of approval and disapproval -- the latter coming, it was said, from a group of poultry dealers in the synagogue.

The edict, after reciting events that led to the controversy in the poultry market, continued:

"We earnestly exhort all religionists in the city of Greater New York to purchase only such poultry as has been killed at a slaughter house which is under effective rabbinical supervision and which bears an authorized token of Kashruth, and in accordance with the authority specifically vested in us by the Torah, for safeguarding the observance of the dietary laws, we herewith do solemnly declare, pronounce, issue and publish an "issur" (religious prohibition), to go into effect forthwith, on poultry not slaughtered in accordance with the above regulation or not bearing an authorized token, declaring that such poultry is forbidden to be consumed by Jews.

"We cherish confidence that no Rabbi or scholar versed in Jewish law will attempt to diminish the force of this prohibition or rule to the contrary, and thus separate himself from the entire body of the orthodox Rabbis of New York City."

Poultry Banding By Rabbis Opposed. Delegates To Farm Parley Hold Scheme Would Cost Consumers $400,000 Yearly. Ask Federal Milk Rule. Say Subsistance Gardens Have Become Serious Threat To Produce Growers. (Nov. 11, 1934)

Delegates to the Northeastern States Agricultural Conference, in session at the Hotel Victoria, 51st St. & 7th Ave., voted to oppose the proposal for marking all Kosher poultry in New York City with a leg band to be applied under rabbinical supervision.

In the same session, following which the convention adjourned, the delegates went on record in favor of Federal cooperation in controlling milk supply in the interests of stabilizing the dairy industry and expressed opposition to further extension of subsistence garden projects as relief measures. Competition by these gardens has become serious for vegetable farmers, a report adopted by the convention declared.

Two hundred and fifty representatives of farm organizations, agricultural colleges, the agricultural press and government and State officials attended the sessions, devoted to formulating suggestions for solving current farm problems in the eastern states north of Virginia.

The proposal for banding poultry, to which the delegates objected, was put forward. Under the plan, leg bands to be furnished by the Kashruth Association, named by the mayor to supervise Kosher slaughtering in the poultry industry, would be used on each fowl sold, one cent being charged for each band.

During the discussion members of the poultry committee estimated that this would result in a charge of as much as $400,000 annually, which would be passed on to the producer. Adequate supervision of Kosher slaughtering could be obtained by other means for $15,000 to $20,000 a year, it was said in the committee. One member of the committee, Paul F. Ires of New Haven - editor of a poultry journal, termed the leg-band proposal a "racket".

Other parts of the poultry report condemned the proposed 10% increase in railroad freight rates, and asked the Federal Government to consider the interests of poultry farms in the crop-control programs. In this connection, it was proposed that the Federal Surplus Relief Corp. buy at least 100,000 cases of eggs per month on the average, as part of program to aid the industry.

The proposal to seek Federal aid in stabilizing the milk industry was formed on the ground that, since much of the traffic in milk was interstate, Federal action was necessary to control supply. Earlier in the conference of A. W. Lauterbach, chief of the dairy section of the Agricultural Adjustment Administration, had suggested that milk problems might be handled through marketing agreements.

A permanent Northeastern Dairy Conference was set up by the convention to study dairy problems.

In the report on freight and vegetables, the convention adopted

a recommendation that the Agricultural Adjustment Administration make arrangements to guarantee that acreage, freed by curtailments crops, should not be planted to other cash crops, or to feed crops if they allow the substitution of cash crops.

Poultry Dealers Assail New Code. Representatives from Boston, Phila., and Northern New Jersey Protest. Linking Cities Opposed. New Yorkers At Hearing Here Defend City Code and Urge It As A Model.
(December 8, 1934)

The proposed NRA code of fair competition for the live poultry industry in New Jersey and the metropolitan areas of Phila., Boston, and Providence brought objections from dealers in Phila. and northern New Jersey at the public hearing in the Hotel New Yorker.

The objections insisted that the provisions were too much like those in the New York City code. They would be forced to close their doors because of the increased expense and diminished income, they said. The majority of the Boston and Providence representatives seemed satisfied.

After an all-day session the hearing was adjourned. The hearings are being conducted by officials of the NRA and Agricultural Adjustment Administration, with Jos. A. Kennedy, Deputy Administrator of the AAA presiding.

The Phila. representatives said they favored a code that would associate them with Baltimore, Washington and other southern cities or one adoptable to their locality.

"To book us up with Newark, New York and Boston would put us out of business", said Isaac Handy and A. J. Leavitt of Phila. "We have nothing in common with those cities."

Herman Scerzer, another Phila. dealer, expressed opposition, on the ground that the marketing practices in Phila. differ from those in the proposed code. He said it would mean higher prices to the consumer and loss to the dealers in Philadelphia.

Max Pernhaff, appearing for the Northern New Jersey dealers, said Hudson and Bergen Counties should be placed in the New Jersey code area and not under the jurisdiction of the New York City code. Louis Goldman of the New Jersey State Retail and Live Poultry Dealers Association returned the request.

Benj. Forsmith of New York City argued that the two counties should be put under the New York City code as the business practices in Bergen and Hudson counties were the same as in New York City. Herbert Frankel, counsel for the New York Poultry Exchange, and Leroy Peterson, code supervisor for New York City, declared that since the code was imposed on the live poultry industry here, business and profits as well as employment have increased.